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In the Supreme Court

OF THE

United States

OCTOBER TERM, 1941

No. 17

FRED F. EDWARDS,

Appellant,

vs.

THE PEOPLE OF THE STATE OF CALIFORNIA,

Appellee and Respondent.

SUPPLEMENT TO BRIEF OF THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA ON BEHALF OF APPELLEE.

EARL WARREN,
Attorney General of the State of California,
W. T. SWEIGERT,
Assistant Attorney General of the State of California,
HIRAM W. JOHNSON, 3RD,
Deputy Attorney General of the State of California,
600 State Building, San Francisco, California,
Attorneys for Appellee.

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Supplement

Exhibit 1.

STATEMENT OF S. G. RUBINOW, ADMINISTRATOR, CALIFORNIA STATE RELIEF ADMINISTRATION, PREPARED BY BUREAU OF STATISTICS, CALIFORNIA STATE RELIEF ADMINISTRATION, E. M. COOPER, CHIEF.*

THE PROBLEM OF INTERSTATE MIGRATION AS IT AFFECTS THE CALIFORNIA STATE RELIEF ADMINISTRATION

FUNCTIONS OF THE STATE RELIEF ADMINISTRATION

The State Relief Administration of California is the agency of the State which administers unemployment relief to the employable unemployed who are not cared for under the program of the Federal Work Projects Administration.

The State relief administration extends aid to the unemployed entirely from State funds and through its own offices located throughout the State. The county welfare departments in the State of California do not enter directly into the picture of unemployment relief.

The State relief administration was first created as the State emergency relief administration in the spring of 1933 to distribute funds of the Reconstruction Finance Corporation to the county agencies. The Governor appointed an emergency relief administrator as the executive officer of the agency and an emergency relief commission to aid the administrator in determining relief policies.

*NOTE: This Survey was introduced as an exhibit at p. 2871 of the Hearings (Los Angeles, September 28, 1940) before the Select Committee to Investigate the Interstate Migration of Destitute Citizens, House of Representatives, held pursuant to H. Res. 63 and H. Res. 491, Seventy-sixth Congress, Third Session.

In July 1933, the Federal Emergency Relief Administrator appointed the State emergency relief administration as the executive body to administer the distribution of Federal funds in California. The State emergency relief administration continued to act in that capacity until Federal funds were withdrawn and the Work Projects Administration created in 1933. (sic) Since that time the State emergency relief administration (now the State relief administration) has cared for the unemployed for whom security wage employment is not available on projects of the Work Projects Administration, either because of ineligibility to the Work Projects Administration or because of lack of sufficient quota by the Work Projects Administration.

The State relief administration is also the State agency which administers a number of other Federal programs in California. It is the certifying agency of persons eligible to Work Projects Administration and National Youth Administration. It supervises enrollment of boys in the Civilian Conservation Corps in California. It conducted the college student aid and emergency education programs prior to the establishment of the National Youth Administration. Together with the Work Projects Administration and the Federal Surplus Commodity Corporation, it has distributed millions of dollars worth of surplus commodities in California. It operates the school lunch program for needy children. The State relief administration now administers the Federal stamp plan (food and cotton) in California which is gradually expanding and taking the place of the surplus commodity distribution program.

The State relief administration and the transient programs.—In the depths of the 1932 and 1933 depression California localities were overburdened with care of their own residents needing aid and were legally not responsible for those persons who did not meet the residence requirements under the State's Indigent Act, the most important provision of which required 3 years of independent residence in the State before application for relief.

"In the small cities, transients were frequently forced to move on by the police. In the large cities, some shelter and food were given by public agencies but the missions and other religious types of agencies gave most of this limited assistance. Conditions were wretched. 'Flop houses' were overcrowded, food was poor, and sanitary facilities were inadequate. Transients and homeless residents were treated alike in the shelters, men and boys mingled, and there was no separation of the diseased from the healthy. Those not accommodated in the shelters often found a night's lodging in the city jails or a longer residence in the 'shanty towns' and 'jungles' that sprang up on the outskirts of the cities. Families and single men lived partly on the limited public charity available and partly from begging and 'panhandling,' or even from petty theft."[1]

In response to such conditions prevailing throughout the country, the Federal Government accepted responsibility for the care of persons who had been in the State less than 1 year through the Federal Emergency Relief Act of 1933.

[1]Review of activities of the State Relief Administration of California, 1933-35, p. 28.

"Financed with Federal funds, a transient program was established by the State relief administration beginning in September 1933. Conforming to Federal policy, the first task was to provide sufficient shelters in the various cities to accommodate the homeless, and then to establish work camps to which were sent transients who agreed to accept care and a nominal cash wage in exchange for work on useful public projects. Families were cared for through work and direct relief provided by family bureaus located in the cities. By April 1935, the system of transient units throughout the State included 17 family service bureaus, 39 camps for men and boys, and 17 shelters. In addition, the Transient Division supervised 18 camps for homeless residents of California.

"Although the program sought by means of work, education, and recreation to rehabilitate the transient men, their persistent tendency to move on from shelters and camps nullified much of the constructive effort. This could not be stopped because of the ease with which the men could find temporary shelter in the cities under assumed names. Many of the boys also continued migration even after being enrolled in one of the boys' camps. Only the families showed stability, lacking inducements to travel on and generally remaining in the cities.

"Health problems were common among the transients, particularly venereal diseases among the men. Mental and emotional disturbances also were a common result of the unstable conditions accompanying migration. Temporarily, at least, the camp program restored most of the men to more normal living habits.

"The transient program was liquidated between September and December 1935, in accordance with Federal policy to either return transients to their States of residence for employment by the Works Progress Administration, or to absorb as many as possible on the projects of the California Works Progress Administration. The acceptance of new applicants was sharply curtailed during this period when attempts were made to deal individually with each case already under care. However, many men continued to leave camps and shelters for the road. As a result of this circumstance plus the influx of transients from other States during the usual winter migration, and the loss of employment by many transients engaged in seasonal agricultural work, the uncared-for population increased considerably. By the end of the year, 'jungles' and 'shanty towns,' begging and 'panhandling' were once more in evidence. Although they were on a smaller scale than in 1933, they still were serious symptoms of what appears to be a chronic transient problem in California."[2]

Further important details concerning the nature and size of the transient program in California are presented in a "Review of Activities of the State Relief Administration of California, 1933-35," chapters VIII and IX, pages 167 to 200.

LEGISLATION AND RELIEF POLICIES CONCERNING RESIDENCE

Under the Federal Emergency Relief Act of 1933, the Federal Emergency Relief Administration established a transient division to extend grants to States for transient relief, providing assistance to persons lacking 1 year's

[2]Review of Activities, op. cit., pp. 28-29.

residence in the State of application for aid. Individuals who had been in a given State more than 1 year were considered a responsibility of that State under the Federal Emergency Relief Act of 1933.

For a number of years, to be eligible for indigent aid through the county welfare departments of California, a person had to have 3 years of independent residence, that is, he must have resided in California for three years or more intending to establish his home here; and during this period he must not have received any public or private assistance other than from legally responsible relatives.

Cooperating with the Federal relief programs the State relief commission, appointed by the Governor, established a 1-year residence rule for aid to the unemployed from State funds. This conformed with the Federal plan of accepting as a Federal responsibility those persons who lacked 1 year's residence, leaving to the State responsibility for persons of more than 1 year's residence.

In its relief activities, California, therefore, established a transient program separate from its resident program. Persons were cared for under the resident program out of State and Federal funds if they had been in California for 1 year or more. Those persons who had been in the State for less than 1 year were cared for out of Federal funds under the transient program which was liquidated in 1935.

However, since the State Emergency Relief Administration still had a residue of the Federal funds granted to California for this purpose, persons who had less than 1 year's residence continued to be accepted for aid by

the State Relief Administration. Effort was made to verify legal residence and, upon receipt of authorization from the State of residence, these persons were returned thereto. If the relief recipient refused to return to his State of residence, aid in California was discontinued unless good social reasons existed for the continuance of aid. If a family was without residence in any State, aid was continued indefinitely as long as the family was otherwise eligible for aid from the State relief administration.

In January 1936, this policy was amended to the effect that aid was discontinued to persons upon their refusal to return to legal residence after it had been verified.

In the fall of 1937, with the establishment of the Farm Security Administration grant program, persons lacking 1 year's residence in California and unwilling to return to their place of legal settlement, were referred to the Farm Security Administration for aid. The State relief administration thus extended only temporary aid pending verification of legal residence and return thereto. The Farm Security Administration gave more complete aid to persons lacking 1 year's residence. The Farm Security Administration adopted the policy of transferring cases to the State relief administration upon the completion of 1 year's physical residence in California.

In June 1938 the State relief administration policy became more restrictive. Nonresidents were accepted for aid only if they indicated in advance a willingness to return to legal residence when such residence was verified.

In January 1939 the latter provision was rescinded. Applicants for relief were not required to indicate willing-

ness to return to legal residence in order to receive aid. However, efforts were made to verify legal residence and to return these persons. In March 1939 the Farm Security Administration agreed to continue aid to persons receiving aid under the Farm Security Administration grant program after completion of 1 year's residence; and not to refer them to the State relief administration.

At approximately the same time the State relief administration again decided not to extend aid to persons lacking 1 year's residence unless the family indicated at the time of application willingness to return to its place of legal residence. This policy was again adopted because of lack of adequate funds for operation of the various State relief administration programs.

In February 1940 the California Legislature, in enacting an appropriation bill for the State relief administration, included several residence provisions in the act. The new law denied relief to persons who had not resided continuously in California for a period of at least 3 years, unless such persons had, previous to February 2, 1940, already received aid from the State relief administration or Work Projects Administration. It also specified that nonresidents could be transported to their place of legal settlement with funds available from this appropriation. However, persons once returned to legal residence could not again enter California and receive aid from the State relief administration.

Under this act, the relief commission restricted aid to nonresidents to a maximum of 30 days. The attorney general has interpreted the law to mean that transporta-

tion of a nonresident may not be furnished if his legal residence is in Alaska, Hawaii, Puerto Rico, or a foreign country.

In May 1940, the California Legislature, in another appropriation bill again amended the residence requirements in the preceding relief appropriation act. The present act states that none of the appropriation may be extended for the relief of any person who "has not either lived continuously in this State for 5 years, if he began to live in the State of California after June 1, 1940, or lived continuously in the State of California for 3 years, if he began to live in the State of California on or before June 1, 1940." With respect to aid to nonresidents the following provision was adopted: "* * * the appropriation shall be available for relief pending transportation, but not to exceed 30 days, and for the costs of transportation of a nonresident to any State in which he resides. Every nonresident, who has once received assistance under this subdivision * * * shall not be granted further assistance from the appropriation made by this act."

At the present time, therefore, the State relief administration may not grant aid, other than temporary aid pending return to legal residence, to new applicants who have not resided in California for 3 years or more if they started to reside here prior to June 1, 1940. Persons entering the State after June 1, 1940, may not receive aid for 5 years after the date of entrance.

An illustration of the problems facing the State Relief Administration and County Welfare Departments of California in attempting to work out policies concerning the

transient problem is contained in the following letter recently received in reply to an attempt to verify legal residence of a transient applicant for aid in San Diego County.

UNITED PROVIDENT ASSOCIATION,
Oklahoma City, Okla., September 11, 1940.

Re Smith—John, Mary.

MRS. KATHRYN COX,

Social Service Supervisor, State Relief Administration, Box 310, San Diego, Calif.

MY DEAR MRS. COX. Please refer to your letter of August 24, 1940, regarding the above-named family.

The information which we have secured during this investigation indicates that the John and Mary Smith family have legal settlement in Oklahoma City. You may return them, at your expense, any time prior to August 1, 1941, when their settlement will terminate.

Mr. and Mrs. Smith's son, George Smith, is employed on the Work Projects Administration program. He is unable to send funds for transportation for his parents.

Please advise Mr. Smith that the facilities available for relief in Oklahoma are very inadequate. If Mr. Smith is an able-bodied man and capable of doing manual labor, he would not be eligible for assistance through the United Provident Association or the Salvation Army since these two agencies assist families where the wage earner is temporarily incapacitated. Neither of these agencies accept unemployment cases. Unemployment cases are cared for by the County Welfare Board. That agency has thousands

of families on its rolls. Its case load is so large and funds so limited that each family receives a maximum of $2 or $3 a month. In addition, county welfare board cases receive United States Government food stamps redeemable in Federal surplus commodities but these are inadequate for subsistence. Mr. Smith would not be eligible for relief from the American Red Cross unless he is a veteran with a service-connected disability. The only other type of relief available in Oklahoma to able-bodied persons is the Work Projects Administration. At this time the Work Projects Administration rolls are officially closed. There are approximately twenty-eight hundred men in this county who are certified for Work Projects Administration employment, but who have never been assigned to work. Before new applications are taken and new certifications are made, this surplus must be absorbed. If Mr. Smith desires to return to Oklahoma City after being informed of the existing relief conditions in this community, you have our permission to send him here.

Very truly yours,

(Miss) MARIE DORNEY,
Case worker.

THE VOLUME AND COST OF AID TO NONRESIDENTS

California has had the largest share of the Federal transient population in the United States. During the Federal transient program, between 1933 and 1935, 10 to 13 percent of the national total of persons under care were aided each month in California. The peak number was 38,815 persons under care on February 15, 1935. Table I shows the number of persons cared for under the California transient program as reported to the Federal

Emergency Relief Administration the middle of each month during 1934 and 1935. It will be noted that at the peak February 15, 1935, the 38,815 individuals included 23,309 persons from 6,652 families and 15,506 unattached persons.

* * * Table 1 eliminated * * *

Following the liquidation of the Federal transient program in 1935, the number of transient cases receiving aid from the State relief administration has been relatively small as a result of the policies concerning aid to nonresidents. At the present time, therefore, the State Relief Administration is giving temporary aid to only 475 transient cases including 1,660 persons.

With the inauguration of the Farm Security Administration grant program, the major portion of nonresidents in need of assistance have been cared for under this program. At the present time, approximately 4,500 cases are being given aid under this grant program of the Farm Security Administration.

During the period July 1933 to June 1940, it is conservatively estimated that more than 300,000 persons received aid within 1 year after they had come to California. This number represents more than 32 percent of the estimated total migration to California of 957,000 persons during the years 1933 to 1939 according to estimates of the Division of Farm Population and Rural Welfare of the United States Department of Agriculture, Bureau of Agricultural Economics. To these 300,000 persons, aid has been extended from State and Federal funds approximating $13,000,000, exclusive of administrative costs. At

the present time, expenditures from State funds for aid and transportation to transient cases approximate $750,000 a year.

Data concerning the size of the transient case load during each month and the amount of relief extended to these cases are presented in table II.

* * * Table 2 eliminated * * *

The fact that persons who have been in the State more than a year, but are still recent migrants, have had a marked effect upon the State relief administration case load, is indicated by an examination of case-load data for individual county offices of the State relief administration since 1937. * * *

In view of the fact that a large proportion of those migrating to California were last employed in agriculture, and an even higher proportion turned to agriculture in California for employment, it would be expected that in recent years the State relief administration case load in agricultural counties would have risen more rapidly than in urban counties. This is strikingly the case. The end of February may be taken as representative of the peak of the total State relief administration case load. At the end of February 1937, the total State relief administration case load consisted of 70,397 cases, while at the end of February 1940 it consisted of 112,354 cases, an increase of 60 percent. The combined case loads for the four urban counties—San Francisco, Alameda, Los Angeles, and San Diego—totaled 42,419 at the end of February 1937 and 62,901 at the end of February 1937, an increase

case load for eight counties of the predominantly agricultural San Joaquin Valley—San Joaquin, Stanislaus, Fresno, Madera, Tulare, Kern, Kings—rose from 5,447 at the end of February 1937 to 20,007 at the end of February 1940, an increase of 267 percent.

The sharp disproportionate rise in the State relief administration case load in agricultural counties is also the result of another and important type of migration, intrastate migration as contrasted to interstate migration. Migration within the State, entirely apart from migration from outside of the State, is necessary to meet peak requirements for labor by several California industries, particularly agriculture. These occur at different dates in different areas. From the attached chart showing individual county case loads, it may be seen that the various counties reached their peak in case load on varying dates. Similarly the low points in case load are also staggered. The fact that relief case loads in the agricultural counties of California tend to be more transitory and less stable than in the urban counties is also indicated by comparative figures indicating average differences between peak and low case loads. For the 3 years 1937, 1938, and 1939, in the above-mentioned agricultural counties, the average low point in case load was 66 percent of the average peak, whereas in the four urban counties it was 24 percent of the average peak. Typical patterns of migration within the State of California are shown in one of the appended documents—Migratory Labor in California.

Table 3 shows by months the number of cases closed by the State relief administration through the return

of transient cases to their States of legal residence for the period December 1935 through June 1940. During this period 25,213 cases, including approximately 83,200 persons, were returned to legal residence at a cost of approximately $600,000. (These figures are included in the number of cases aided and in the relief extended data presented above.)

• • • Table 3 eliminated • • •

The above figures pertain only to relief extended to cases during their first year of residence in California. If one were to consider aid extended to recent migrants to the State after they had met the State relief administration residence requirement, the volume of relief extended would be considerably greater. For example, in February 1939, 26 per cent of the State relief administration case load consisted of cases and persons who had been in California for less than 3 years. A distribution of the State relief administration case load at that time according to length of residence in California is presented in table 4.

• • • Table 4 eliminated • • •

The fact that the present transient case load represents a small proportion of the total load of the State relief administration does not mean that the problem resulting from recent migration into California is now negligible. The State relief administration's transient case load is small because—

1. Legislation prohibits State relief administration aid to persons who do not meet the present residence requirements.

2. The Farm Security Administration is giving aid to a number of persons who have no legal residence in California.

3. Most of the persons who migrated to California during the middle of the past decade, when the largest migration occurred, now have California residence and are not classed as transients.

Additional information on the aspects of the migrant problem in California is available in other material presented with this statement to the House Committee on Interstate Migration. This material includes "Review of Activities of the State Relief Administration of California," "Migratory Labor in California," and "Transients in California."

CHARACTERISTICS OF TRANSIENT APPLICANTS FOR RELIEF, 1936

During the last quarter of 1936, the State relief administration collected information on the background and characteristics of transient persons receiving aid from the State relief administration.

Questionnaires were filled out by case workers for a sample group of applicants throughout the State. Data were tabulated from 1,961 questionnaires. A summary of the information gathered follows:

The transient applicants came largely from the West Central States and from Illinois. The table on page A shows not only the last State in which the transient applicant lived for 1 year or more but also the length of time from the date of beginning their migration to the date of application for relief in California. It will be noted that

more than 15 percent of the applicants came from Oklahoma, with Texas and Missouri contributing the next largest proportions—7.5 percent. The other West Central States of Arkansas, Nebraska, and Kansas also contributed significantly. The East Central State of Illinois was the State of origin of 6 percent of the applicants. Outside of the Central States, the States of origin of other significant numbers of these transient applicants were New York, Colorado, and California's neighboring States of Arizona, Washington, Oregon, and Utah.

The table on page A[1] also indicates that most of the transients included in the survey did not leave their homes to come directly to California because 62 percent of the applicants had left their homes 3 months or more prior to the date of their applications for aid in California, and 50 percent had been traveling 4 months or more before they applied for aid in this State. One out of every eight of the applicants had been on the road for 1 year or more before the date of their application for aid from the State relief administration.

It is particularly significant to note from table 6 that 1,845, or 94 percent, of the applicants were native-born American citizens. The nationality of these recent migrants to California is presented in table 6.

* * * Table 6 eliminated * * *

The table on pages 2886-7 shows by State of origin the industry in which the applicants had previously been employed. Of the 1,961 persons 525, or 27 percent, had an

[1]This table as submitted was illegible. It was removed and placed in the committee file.

agricultural background, and 292, or 15 percent, had formerly been in domestic and personal service. The manufacturing, construction, and trade industry groups each contributed approximately 10 percent to this group of migrants entering California and seeking aid.

It may be noted that, although agriculture as a whole contributed only 27 percent to the total number of applicants, in the four West South Central States of Arkansas, Louisiana, Oklahoma, and Texas, it contributed 43 percent; and 50 percent of the persons who had come from Oklahoma had agricultural backgrounds.

The table on pages 2888-9 shows the occupational classifications of the 1,961 transients included in the survey. The previous table indicated that 525 persons had an agricultural background. Of these, 421 were reported as unskilled farm workers. In addition to these, 267 workers were reported as unskilled nonfarm workers. Therefore, a total of 688 persons or 35 percent of the number included in the survey were reported as unskilled workers. The skilled trades, the semiskilled trades, and the domestic and personal services each contributed in the neighborhood of 13 percent. There were 149 or 7.5 percent of the applicants reported as professional and kindred workers.

The reasons for starting migration, as stated by the 1,961 transient cases applying for relief, are shown in table 9 according to their occupational classifications. Approximately one-half left their homes seeking work in general with no specific place of settlement in mind. The fact that 50 percent of the applicants took 4 months or more before reaching California is a reflection of this fact.

• • • Table 9 eliminated • • •

About one out of eight reported that they had left home seeking work in a definite place and about the same proportion indicated that they had started their migration because of health problems.

The figures show that approximately 5 percent indicated that they had left home because of the drought. However, this figure should be considered in relation to the two reasons immediately following, "seeking work in general" and "seeking work in a definite place," since the drought may have been the casual factor in many of the cases of these persons leaving their homes to seek work.

It will be noted that in the group of farm operators, owners, and workers, 13 percent reported that they had left home as a result of the drought, but an additional 68 percent indicated that they had left seeking work, or because the location was unhealthy. To what extent the drought entered into these latter cases is unknown.

In interpreting the above statements it should be noted that the four reasons above mentioned contributed in about the same degree in the case of nonagricultural persons as it did in the case of the farm workers.

Table 10 shows the number of times the transients applying for relief had entered California. In 1,388 of the 1,961 instances, this was the first time that these persons had come to California. This represented 70 percent of the cases. An additional 20 percent had been in California once before. The few persons who reported that they had entered California numerous times previously were, in all probability, following the crops as agricultural laborers.

* * * Table 10 eliminated * * *

Table 11 indicates that in 1,604 of the 1,961 cases the head of the family was a man and in 357 cases the head of the family was a woman. Of the 1,604 male heads, 1,217, or approximately 75 percent, were persons who were classed as physically capable of doing a full day's work and sufficiently skilled in their occupations to be normally satisfactory to private employers. Of the 357 women heads, 201, or about 55 percent, were classed in this category of group 1 employables.

* * * Table 11 eliminated * * *

Table 12 shows, according to sex of the head of the family, the size of the household of the cases included in the survey. It is significant to note that of all cases included in the survey, 22 percent were single men and 8 percent were single women.

* * * Table 12 eliminated * * *

WHAT HAPPENS TO REJECTED APPLICANTS

It is necessary to be aware of the consequences of the rejection of applicants for relief for reasons other than financial ineligibility. Rejected applicants continue to be a part of the economic structure of a county or State in which they are present and therefore affect the social and economic conditions in the State.

Persons who are in need but who are denied public aid for technical reasons continue to subsist through the sale of personal belongings, through borrowing, through reducing the quantity and quality of their food, through doing without necessary clothing and shelter, and through acceptance of jobs at substandard wages which tend to

reduce the general wage scale and the general standard of living.

The State relief administration is aware of many individual situations where persons continue to subsist through the above methods after having been rejected by a relief agency. A sample survey was made to determine what happened to persons rejected for technical reasons after the passage of restricted unemployment relief legislation in February 1940. In addition to changing residence requirements, the legislation denied relief to certain aliens, limited the maximum amount of aid which could be extended to a particular family, and required deductions of all outside income of all family members, in determining relief grants.

As a result of this legislation, cases which heretofore had been eligible for aid became ineligible and other applications which previously would have been accepted were rejected. The State Relief Administration surveyed 148 cases in San Diego County who were denied relief as a result of the new legislation, and 77 cases whose relief grants were reduced thereby. The 148 cases consisted of 71 cases whose applications for aid were rejected, and 77 cases which had been receiving aid but which were closed as a result of the new legislation.

Of the applicants rejected, 25 of the 71 cases had found it necessary to move, and it was impossible to secure additional information concerning them. Of the remaining 46 cases, the major adjustment forced upon the family concerned their food. Twenty families, or 43 percent, found it necessary to eliminate fresh milk from their diets, or substitute canned milk therefor, reduce, and sometimes

eliminate, meat from the diets, increase the consumption of starches, etc. It should be noted that a majority of the members of these 20 families were children. Medical surveys in this area have indicated that diet changes caused by lack of sufficient funds have often resulted in the occurrence of rickets, pellagra, scurvy, secondary anemia and other diseases of malnutrition which tend to make the patient susceptible to more serious diseases such as tuberculosis.

Rent was in arrears in 35 percent of the families interviewed. In 28 percent of the cases ultilities were delinquent. In 41 percent of the cases there was a need for clothing. In one out of every four cases medical care was needed. It was obvious that the refusal of relief intensified the problems of many of the cases which had applied for aid. In a few instances the applicants have continued to get along through inadequate part-time jobs at meager wages.

The cases to whom relief was discontinued as a result of the new legislation show a very similar pattern. In 6 of the 77 cases the family found it necessary to move since they were unable to meet their rent. Detailed interviews were taken in the remaining 71 cases. Twenty-eight or thirty-six percent were behind in their rent. In 3 instances utilities had been discontinued and in 16 cases the payment of utilities was already delinquent. Two-thirds of the former relief recipients needed additional clothing. The situation in relation to diet was more serious, with numerous reductions in the quantity and quality of food. Eleven of the families indicated that they were unable to manage 3 meals daily. In 9 cases special diets

had previously been prescribed because of illness but the family had been unable to purchase the needed food.

A few examples will illustrate what has occurred to several of the cases surveyed. Family A consisted of a man, his wife and three minor children. Their application for aid was rejected because of lack of 3-year residence in California. At time of application the family had exhausted all means of support, having borrowed $100 on a car 2 months prior to application. Since termination of employment a month prior to application, the family lived entirely on credit, accumulating a $26 grocery bill. The rent was 1½ months in arrears and gas and light bills were delinquent. It was not possible to purchase milk and vegetables for the minor children and their diet consisted chiefly of beans and potatoes. Credit for groceries was being discontinued. At the time of the survey the family was being pressed for their back rent and had absolutely no idea as to how they would manage in the future.

Case B consisted of a man, his wife and three minor children. Their application for aid was rejected by the State relief administration because of lack of residence. After rejection, the man secured some odd jobs as a laborer, but his total earnings during approximately a month and a half were about $52. It became necessary for the eldest child, a 17-year-old daughter, to leave home because of the crowded condition and the lack of finances, and to move in with friends in El Centro. The mother of the family at the time of the interview was pregnant and expecting confinement shortly. Prenatal care had not been received. No medical arrangements had been made.

The family was unable to buy the proper foods and was using canned milk entirely. All members of the family were in need of clothing. The head of the family had no prospects of employment.

Example C. The case was that of a man 52 years old, temporarily separated from his wife and child because of their financial situation and because of their ineligibility for relief on the basis of residence requirements. The family had come to California from Texas 9 months previously and had refused to return and was therefore rejected by the State relief administration. When the man lost his job, his wife and child went to live with her father, having been forced to move. The wife's father's resources were limited because of the irregularity of agricultural work and his family of six. The only work "C" had had during 2½ months was four days of labor during which he earned $12. With this he paid part of his rent, sent $6 to his family and reduced his grocery bill from $8.70 to $5.48. At the time of the interview "C" was sharing a one-room lean-to with another man and was eating one meal a day, consisting largely of potatoes, beans, and canned milk, which had been his diet for several months.

Exhibit 2.

RESOLUTIONS OF THE CALIFORNIA STATE LEGISLATURE RE TRANSIENT PROBLEM 1933-1940

Senate Concurrent Resolution No. 5 (Statutes, 1933, p. 2813, Chapter 9, Resolutions):

"WHEREAS, Indigent, nonresident, transient unemployed seek in California a haven during the winter months and burden the relief agencies and welfare facilities of the counties of the State beyond the ability of the latter properly to care for them, to the detriment of the needy and unemployed residents of our counties; and

WHEREAS, There is dire need for an expansion of the California labor camp relief program to furnish relief to fifteen thousand men instead of the seven thousand at present provided for and if this is done the county relief facilities will thereby be relieved of their present burden to the extent of such increase; and

WHEREAS, The available funds of the State, including moneys derived from private sources, are inadequate to care for this increase and the additional sum of $587,785 will be required; and

WHEREAS, The Government of the United States through the Emergency Relief and Construction Act of 1932 has made available to the States the sum of three hundred million dollars to be used in furnishing relief and work relief to needy and distressed people and in relieving the hardship resulting from unemployment, which sum has been appropriated to be loaned to the governors of the several States upon their application and is to be repaid to the Government of the United States by making annual deduc-

tions, beginning with the fiscal year 1935, from regular apportionments made from future Federal authorizations in aid of the States for the construction of highways and rural post roads; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor is hereby requested to apply to the Reconstruction Finance Corporation under the provisions of subdivision (c) of section 1 of Title I of the Emergency Relief and Construction Act of 1932 for the sum of $587,785 to be used for an expansion of California labor camps, and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to transmit a copy of this resolution to the Governor."

Assembly Joint Resolution No. 11 (Statutes 1937, p. 2710; Chapter 23, Resolutions):

"WHEREAS, Natural interstate migrations of persons and families in search of employment are greatly extended during times of general unemployment or by reason of a calamity such as a drought, and conditions during the last five years have greatly increased the unsettled population in the United States and states with mild climates and good wages inevitably receive a disproportionate amount of such unsettled poulation; and

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NOTE: See also substantially similar resolution memorializing Federal Government for loans for relief purposes, *Senate Concurrent Resolution No. 4 (Statutes, 1933, p. 2844; Chapter 12, Resolutions)*; also similar resolution memorializing Federal Government to act re deportation of alien unemployed, *Assembly Joint Resolution No. 32 (Statute 1935, p. 2527; Chapter 55, Resolutions)*; also similar resolution memorializing Federal Government not to rescind any relief rules with the effect of increasing burdens on California counties, *Assembly Joint Resolution No. 66 (Statutes 1935, p. 2712; Chapter 143, Resolutions)*

WHEREAS, It is to be expected as a continuing condition that underemployed transient individuals and families will be found in disproportionate numbers in several States and that public support and care will inevitably be required from time to time for a substantial percentage of such individuals and families regardless of residence laws; and

WHEREAS, During the operation of the Federal transient relief program in California this State had under care through this program 12 per cent of all of the transient cases receiving aid in the United States and 16 per cent of all of the families receiving aid, although the population of California was only 4.7 per cent of the population of the United States; and

WHEREAS, During the eighteen month period, February 1, 1934, to August 31, 1935, the average number of transient cases receiving care in California was 17,245 and on February 15, 1935, there were 22,158 such cases receiving relief; and

WHEREAS, During the period July 1, 1936, to November 30, 1936, automobiles entering California with families obviously seeking employment carried 55,372 individuals, 42,469 of whom were from the drought States and a considerable additional of families and individuals seeking employment entered by other means of transportation; and

WHEREAS, There has not been and is not sufficient seasonal or permanent employment for transients entering the State and there have at all times during the past calendar year, and now are, under care by the State Relief Administration and employed by the Works Progress Administration large numbers of persons for whom neither temporary nor permanent employment has been or is available; and

WHEREAS, It would be financially impossible for the State of California to continuously extend such aid as is needed for transient individuals and families in California and even though emergency aid is extended to transient families, women, girls and boys, pending verification of legal residence, some states in verifying residence advise that no State Aid of any kind is available and that limitations of Federal security wage program quotas preclude assistance from that source; and

WHEREAS, The emergency aid now extended costs in excess of $500,000 per year and this sum covers only a minor portion of the sustenance and health needs of transient persons and families in California and extensive sickness and health problems exist to such a degree that some counties have overcrowded every available public hospital and health facility; now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly, That the Legislature of State of California respectfully urges the President of the United States and the Congress to take cognizance of the problem of care of the unsettled population of the Nation as a national matter and make provision for an appropriation to be used to reimburse states for care of persons and families needing public assistance in States other than the States of their residence and making provision for the continuance of such aid to the recipient thereof after residence has been established in a State other than the State of origin."

Senate Joint Resolution No. 5 (Statutes 1938, Extra Session; page 171, Chapter 26):

"WHEREAS, The problem of relief for indigent non-residents of the State of California has reached alarming proportions; and

WHEREAS, There has been introduced in Congress H.R. 9256, by Congressman Voorhis providing for aid by the Federal Government to States which can and will meet the requirements of said act; and

WHEREAS, Said bill provides for the return of unemployable indigent transients to the State of their legal settlement at Federal expense, and gives the Social Security Board power to determine the State of legal settlement; and

WHEREAS, Said bill provides for Federal reimbursement to States and counties of moneys spent for relief and medical care of nonresidents; and

WHEREAS, The provisions of said bill require that eligibility for relief thereunder is contingent upon registration for work with the United States Employment Service or an affiliated State employment service; and

WHEREAS, While no State is required to come under the terms of the bill, the provisions thereof are peculiarly applicable to the State of California because of the fact that this State, by reason of its higher relief standards, has encouraged the migration of indigents into this State; and

WHEREAS, The enactment of this bill would be of peculiar benefit to the State of California; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the President and the Con-

gress of the United States are hereby memorialized and requested to enact said H. R. 9256; and be it further

Resolved, That the Governor transmit copies of this resolution to the President of the United States, the Vice President, the Speaker of the House of Representatives, and to the members of the delegation from California in the Congress."

Assembly Joint Resolution No. 25 (Statutes 1939, p. 3209; Chapter 72, Resolutions):

"WHEREAS, Natural interstate migrations of persons and families in search of employment are greatly extended during times of general unemployment or by reason of a calamity such as a drought, and conditions during the last five years have greatly increased the unsettled population in the United States and States with mild climates and good wages inevitably receive a disproportionate amount of such unsettled population;

WHEREAS, It is to be expected as a continuing condition that underemployed transient individuals and families will be found in disproportionate numbers in several States and that public support and care will inevitably be required from time to time for a substantial percentage of such individuals and families regardless of residence laws; and

WHEREAS, During the operation of the Federal transient relief program in California this State had under care through this program 12 per cent of all of the transient cases receiving aid in the United States and 16 per cent of all of the families receiving aid, although the population of California was only 4.7 per cent of the population of the United States; and

WHEREAS, During the eighteen-month period, February 1, 1934, to August 31, 1935, the average number of transient cases receiving care in California was 17,243 and on February 15, 1935, there were 22,158 such cases receiving relief; and

WHEREAS, During the period July 1, 1936, to November 30, 1936, automobiles entering California with families obviously seeking employment carried 55,372 individuals, 42,469 of whom were from the drought States and a considerable additional number of families and individuals seeking employment entered by other means of transportation; and

WHEREAS, The number of transients entering California for the purpose of employment has increased even more rapidly since 1936; and

WHEREAS, There has not been and is not sufficient seasonal or permanent employment for transients entering the State and there have at all times during the past calendar year, and now are, under care by the State Relief Administration and employed by the Works Progress Administration large numbers of persons for whom neither temporary nor permanent employment has been or is available; and

WHEREAS, It would be financially impossible for the State of California to continuously extend such aid as is needed for transient individuals and families in California and even though emergency aid is extended to transient families, women, girls and boys, pending verification of legal residence, some States in verifying residence advise that no State aid of any kind is available and that limitations of Federal security wage program quotas preclude assistance from that source; and

KINGS COUNTY.

PEOPLE *v.* WALLACE GEORGE

(Criminal No. 1370. In the Justice's Court of Grocetan Township, County of Tulare: G. W. Squire, Justice of the Peace: Docket 12, Page 170.

Complaint sworn to by Ora D. Strong on October 30, 1939 charged that Willie George on or about October 19, 1939 "did wilfully and unlawfully bring into the State of California certain indigent persons, to wit, Beulah George, Raymond George, Rose Ann George, Dorothy Dan George, Clara May George, James George, not at that time residents of the State of California and knowing them to be indigent persons."

Docket entries as follows:

"Oct. 30, 1939 Complaint filed and warrant issued.

Nov. 2, 1939 Defendant in court and duly arraigned. Complaint was read to him and he was informed of all his legal rights.

Nov. 2, 1939 Defendant waived further time in which to enter a plea and entered a plea of "guilty as charged".

Nov. 2, 1939 Wherefore, it is the judgment of the Court that the defendant is guilty of the crime of misdemeanor, and that for said offense the said defendant be imprisoned in the County Jail for a term of 180 days, sentence suspended on condition that the said defendant reimburses the Welfare Department in the amount necessary to de-

Exhibit 6

RECORD OF PROSECUTIONS IN THE COUNTIES OF THE STATE OF CALIFORNIA UNDER SECTION 2615 OF THE WELFARE AND INSTITUTIONS CODE, STATE OF CALIFORNIA.

INTRODUCTION.

On May 19, 1941, the State Department of Social Welfare advised that section 2615 of the Welfare and Institutions Code has not been applied generally throughout the State, and that the Department had not taken part in any prosecutions, confining itself to settlement of disputes between counties as to the question of residence of an applicant for county assistance as an incompetent, poor, indigent person. The Department was aware of prosecutions in only three counties, namely, Kings, Tulare and Yuba (the instant case).

The counties involved were contacted with a view to obtaining all data concerning the cases, with particular reference to the persons alleged to be indigents.

What information was available is set forth herein, together with pertinent data received from the Farm Security Administration, United States Department of Agriculture, concerning the defendants or the alleged indigents.

EL DORADO COUNTY (Population 13,229)

(Letter from Social Welfare Department, Sept. 8, 1941).

LAKE COUNTY (Population 8,059)

(Letter from County Welfare Department, Aug. 22, 1941).

SIERRA COUNTY (Population 3,025)

(Letter from Welfare Department, Sept. 3, 1941).

PLACER COUNTY (Population 28,108)

(Letter from Welfare Department, Sept. 6, 1941).

SAN LUIS OBISPO COUNTY (Population 33,240)

(Letter from Welfare Department, Aug. 26, 1941).

MONO COUNTY (Population 2,209)

County does not require that a person be entirely desti tute. (Letter from Welfare Department, Aug. 22, 1941).

SHASTA COUNTY (Population 28,800)

(Letter from Welfare Department, Sept. 5, 1941).

DEL NORTE COUNTY (Population 4745)

(Letter from Welfare Department, Sept. 13, 1941).

sources to supply the basic requirements is provided for by the County.

In the following counties, no set ordinances have been passed nor are there any written rules or regulations setting forth eligibility to assistance, each case being treated on its individual merits.

TEHAMA COUNTY (Population 14,316)

(Letter from Department of Public Welfare, Sept. 13, 1941).

TULARE COUNTY (Population 17,034)

(Letter from District Attorney, Aug. 23, 1941).

GLENN COUNTY (Population 12,195)

(Letter from Welfare Department, Aug. 22, 1941).

FRESNO COUNTY (Population 178,565)

(Letter from Department of Public Welfare, Aug. 26, 1941).

RIVERSIDE COUNTY (Population 105,524).

(Letter from Bureau of Welfare and Relief, Aug. 26, 1941).

YAPA COUNTY (Population 111,782)

(Letter from Welfare Department, Aug. 26, 1941).

SAN MATEO COUNTY (Population 28,000)

(Letter from Welfare Department, Aug. 22, 1941).

poor. (Letter from Department of Public *Welfare*, Aug. 22, 1941).

IMPERIAL COUNTY (Population 39,470)

Relief is limited "to actual indigents and persons physically and financially unable to care for themselves." (Quoting from letter of District Attorney, Sept. 12, 1941.)

SOLANO COUNTY (Population 49,118)

To determine whether a person is eligible for "Indigent Aid" the *Welfare* Department uses the standard food budget as set forth for State Child Aid cases by the State Department of Social *Welfare*. This budget sets up the minimum of food required for subsistence. In the event the applicant's income is not sufficient to supply this minimum, aid is granted so as to supply, together *with* the other income, the basic needs for housing, utilities, food, and clothing.

YOLO COUNTY (Population 19,283)

Each case is governed on its own merits, limited to families in which there is no employable member. (Letter from *Welfare* Department, Aug. 22, 1941.)

SANTA CLARA COUNTY (Population 174,949)

In determining indigency, the *Welfare* Commission determines if the applicant has sufficient resources to cover the basic needs of clothing, housing and food. The amount necessary for food is determined by the Okey-Hunting-ton budget, which sets up certain basic food requirements for persons classified in age groups. Deficiency in re-

YOLO COUNTY (Population 27,243)

By rules laid down by the Board of Supervisors indigents are unemployable persons, whether as the result of physical or social reasons, whose resources are not sufficient to cover their basic needs. These are defined as food, adequate clothing and shelter (including heat and utilities) at a subsistence level. Property which supplies a basic need may be owned and retained; such as a home. (Letter from *Welfare* Department, Sept. 3, 1941).

TRINITY COUNTY (Population 3,970)

To qualify for assistance, a person must be unemployed, have little or no income, and have no relatives or other resources from which he can obtain a livelihood. (Letter from *Welfare* Department, Aug. 29, 1941).

HUMBOLDT COUNTY (Population 45,812)

The general policy is to assist any and all individuals who have no available resources for the necessities of life. (Letter from Department of Public *Welfare*, Aug. 26, 1941).

MERCED COUNTY (Population 46,988)

Assistance is given to all persons who are in need, destitute, and without other means of support. (Letter from Department of Public *Welfare*, Aug. 26, 1941).

BUTTE COUNTY (Population 42,840)

Indigent aid is given to persons found to be in need of assistance, based on the meaning given in *Webster's* Unabridged Dictionary, defining "indigent" as needy:

used as a home does not render one ineligible to receive aid.

NAVAJO COUNTY (Population 35,168)

No ordinance or resolutions by the Board of Supervisors have been passed nor are there any rules by the Supervisors setting forth eligibility to aid as an indigent person. The matter of determining eligibility for aid to needy persons or indigents has been left to the *Welfare* Department which accepts the common definition of indigent person given by *Webster's* and other dictionaries. (Letter from *Welfare* Department, September 2, 1941).

PINAL COUNTY (Population 14,479)

By instruction from the Board of Supervisors The *Welfare* Department certifies as eligible for County Indigent Aid those persons who are destitute of property and without means of comfortable subsistence; they must be needy, poor and actually in want; resources of all kinds are to be consumed in so far as possible. The term "indigent" during the last four years has meant an unemployable person who is unable to provide for his or his family's support. (Letter from *Welfare* Department, Aug. 23, 1941).

SANTA CRUZ (Population 29,052)

Before a person is eligible for County aid, he must be unemployable and must have used his resources for the support of himself and his family as far as possible. (Letter from *Welfare* Department, Aug. 29, 1941).

STATE PRISON (Population 634,736)

No one is eligible for "indigent aid" who owns real property of any value not used as a home. If used as a home no aid is granted if assessed valuation is over $3000.

No one is eligible for aid who has any personal property, except that the following are not considered in estimating personal property: personal effects, furniture, trade equipment, automobile, insurance policies of a total loan value of less than $100. (Rules and Regulations of Public Welfare Department.)

TYCOON TOWN (Population 10,887)

As a general rule no assistance is extended to anyone possessing any money, who is steadily employed, or who has property of an assessed valuation of more than $500 (Letter from Welfare Department, Sept. 2, 1941).

ALAMEDA (County Population 513,011)

No one is eligible for assistance who has liquid assets that can be converted or who has cash funds more than sufficient for a normal working basis for the family. Aid is not denied because of the possession of a small amount of cash. Insurance policies must be surrendered for cash or borrowed on where recipient has large amount of equity.

Real property not used as a home must be liquidated. Ownership of real property of a reasonable value and

essentials. Recipients are not allowed to possess any insurance. (Stanislaus County Welfare Department Manual).

ment in favor of County. Only in exceptional cases is ownership allowed in excess of

$1000.00 for men;

600.00 for women;

1500.00 for man and wife when there are children.

McZWOOZO (COUNTY (Population 27,864)

No one is eligible for "indigent aid" who owns personal property in excess of $500., or who possesses cash or negotiable securities the value of which is in excess of the monthly aid to be granted. All liquid personal assets must be exhausted. No person may be considered indigent and in need, the gross relief income of whose immediate family living within the home, is in excess of the monthly County indigent aid budget for such case. No person is eligible to aid if the family unit includes a member physically able to work, and who is available for work. (Rules and Regulations of County Welfare Department).

STAVSAIR'S (COUNTY (Population 74,866)

Applicant for aid may not own a home of the assessed valuation of over $2000., or who has personal property over the value of $300. If the latter is cash, person is ineligible if cash is more than $50. If real property is not used as home, owner is not eligible for aid unless property is not salable. A family may not own an automobile over the value of $250., nor may there be in the family an employable member, or an income of more than the budgetary needs based on a subsistence level which includes enough food for health, adequate housing, sanitation, minimum clothing, fuel, utilities and other

KERR COUNTY (Population 135,124)

No "indigent aid" is given to a family in which there is an employable person. Applicants for assistance are expected to use any available financial resources of any member of the family for support prior to receipt of relief. Ownership of insurance by head of the family group not exceeding the face value of $500 is allowed. Relief may not be extended to any one who possesses or whose family possesses an unencumbered automobile or truck having a value of more than $250, unless the vehicle is a necessity. Ownership of an automobile the value of less than $50.00 is permitted.

No aid is granted to any person who owns real property of an assessed value of $3000, or more; if the value is less than $3000, aid will not be granted unless the property is used as a home, and in that event if the value is more than $1000, and less than $3000, all property over $1000, valuation must be converted into resources for the care of the person.

No one is entitled to aid who possesses personal property in the form of liquid assets, or who possesses personal belongings, clothing, furniture or other assessable property of the value of over $250. (Manual of Policies, Kerr County Welfare Department).

MARIN COUNTY (Population 52,907)

Anyone having funds in excess of $25.00, or owning an automobile with a value in excess of $250.00, unless there is a necessity for the automobile is not eligible for "Indigent Aid". The only restriction as to real property is that applicant must execute a lien for reimburse-

titled to aid other than emergency aid who owns real or personal property valued at $300.00 or more, unless aid is approved by Board of Supervisors. (Administrative Code of the County of San Diego).

Life insurance policies in excess of $125.00 cash surrender value must be cashed and used for living expenses before aid is given. (Manual, Department of Public Welfare).

SAN BERNARDINO COUNTY (Population 161,708)

No person is eligible for "indigent aid who owns real property, the assessed value of which is $3000, or more, or owning personal property, the market value of which exceeds $250.; nor to any person having cash or negotiable securities in excess of $50.00; cash surrender value of any insurance policy is considered as cash. Also no person is eligible for aid who owns, or is purchasing an automobile, the market value of which combined with other personal property exceeds $250. (Rules and regulations of County Welfare Department).

TULARE COUNTY (Population 107,152)

No one is eligible for assistance who owns merchantable personal property, except household furniture of a total value of less than $200. and the tools or implements of his trade, occupation or profession of a value of less than $200., or who owns real estate wherein the applicant has an equity of $1000 or over, or who has insurance policies exceeding $200. (Resolution of Board of Supervisors of June 20, 1941. Prior to the resolution same definition was used according to letter from County Welfare Department).

Exhibit 5.

POLICIES ESTABLISHED BY THE COUNTIES OF THE STATE OF CALIFORNIA WITH REFERENCE TO ELIGIBILITY FOR PUBLIC ASSISTANCE AND WITH REFERENCE TO THE AMOUNT OF PROPERTY A PERSON IS PERMITTED TO HAVE WHILE RECEIVING PUBLIC ASSISTANCE.

In the *Welfare and Institutions Code* of the State of California it is provided:

"Section 2500:

Every county and every city and county shall relieve and support all incompetent, poor, indigent persons and those incapacitated by age, disease, or accident, lawfully resident therein, when such persons are not supported and relieved by their relatives or friends, or by their own means, or by State hospitals or other State or private institutions."

"Section 2600:

The board of supervisors of any county may establish its own policies with reference to the amount of property, if any, a person shall be permitted to have while receiving public assistance, to the end that so far as it is possible an applicant for public relief shall be required to apply his own property to his support."

In granting public assistance, the following policies have been established by the respective counties of California with respect to eligibility and ownership of property:

SAN DIEGO COUNTY (Population 289,348)

No aid shall be given to anyone capable of self-support and for whom regular work is available. No one is en-

each and every person so offending, shall forfeit and pay the sum of one hundred dollars, for each and every such offense, for the use of the indigent of the city or county in which such pauper shall be left, to be recovered by action of debt, in the name of the State of California, before any court of competent jurisdiction."

"Sec. 18. If any person shall willfully and without lawful authority, bring or cause to be brought into this State, any poor or indigent person or lunatic, without a protector, from any place without this State, and there leave, or attempt to leave such person, with intent to make the city or county, or city and county in which such person shall be left or attempted to be left, chargeable with the support or maintenance of such person, each and every person so offending shall forfeit and pay not less than one hundred nor more than six hundred dollars, for every such person left or attempted to be left, to be recovered in the name of the State of California, in the action of debt, before any court of competent jurisdiction, for the use of the city or county wherein such poor or indigent person or lunatic shall be left or attempted to be left, as aforesaid; and any person or persons, guilty of either of the offenses specified in this section, shall be obliged to convey such poor or indigent person or lunatic person, out of this State, or shall give bond to the State of California, with security, to be approved of by the Treasurer of such city or county, for the maintenance of such poor or indigent person or lunatic: provided, however, that in every county, wherein the poor are supported in a county infirmary, the penalties which may be collected under this act, shall be appropriated for the benefit of such county infirmary."

This act was not expressly repealed until the adoption of the Welfare and Institutions Code in 1937.

and county to remove such person forthwith, and to pay the expenses accruing or to accrue, in taking care of such person; and such county or city and county, wherein such person resided at the commencement of the three months immediately preceding such person's becoming chargeable as a poor, indigent, or inapacitated, or incompetent person as herein designated, shall pay to the county or city and county so taking care of such person all reasonable charges for the same, and such amount may be recovered by suit in any court of competent jurisdiction by such county or city and county."

In 1927, however, this Act of 1901 was amended to provide as a condition to relief that a person must have resided in the State for one year (Stats. 1927, p. 430), and in the year 1931 was further amended to provide as a condition to relief that a person must have resided in the State for three years and in the county for one year (Stats. 1931, p. 145).

An early statute (Stats. 1860, p. 213), "An Act to authorize the Establishment of County Infirmaries for the Relief of the Indigent * * *", an act which dealt with blind, lame, old, sick, impotent, or decrepit persons, or persons in any way disabled or enfeebled, so as to be unable by their own work to maintain themselves, contained provisions similar to present section 2615, as follows:

"Sec. 17. If any person shall transport, remove, or bring, or cause to be transported, removed, or brought, any poor or indigent person from any city or county in this State, to any other city or county in this State, without lawful authority, and there leave such poor or indigent person, with intent to make such city or county chargeable with the support of such pauper,

WHEREAS, The emergency aid now extended costs in excess of $500,000 per year and this sum covers only a minor portion of the sustenance and health needs of transient persons and families in California and extensive sickness and health problems exist to such a degree that some counties have overcrowded every available public hospital and health facility; now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully urges the President of the United States and the Congress to take cognizance of the problem of care of the unsettled population of the Nation as a national matter and make provision for an appropriation to be used to reimburse States for care of persons and families needing public assistance in States other than the States of their residence and making provision for the continuance of such aid to the recipient thereof after residence has been established in a State other than the State of origin; and be it further

Resolved, That the chief clerk of the Assembly is directed to send a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each member in Congress from California and to the Administrator of the Federal Works Progress Administration."

Senate Joint Resolution No. 14 (Statutes 1939, p. 3246, Chapter 109, Resolutions):

"WHEREAS, There is pending in the Congress of the United States a bill known as the 'Voorhis Bill,' designed to provide Federal financial aid for the care

of destitute nonresidents, and to secure uniform residence requirements among the States; and

WHEREAS, Passage of this measure is of vital importance to the State of California because it receives disproportionately a heavy influx of destitute farmers; and

WHEREAS, California is financially and otherwise unable to shoulder the relief burden imposed by such influx in the absence of Federal financial aid and uniform residence requirements among the State; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of this State hereby memorializes the President and Congress of the United States to consider and enact said Voorhis Bill into law and that the members of the Senate and of the House of Representatives from California are hereby urged and requested to use all honorable means in the furtherance of the enactment of such legislation; and be it further

Resolved, That copies of this resolution be forthwith transmitted to the President of the United States, the President of the Senate, the Speaker of the House of Representatives and the members of the House and Senate from the State of California."

Senate Joint Resolution No. 3, Statutes 1940, Extraordinary Session; Chapter 13, Resolutions):

WHEREAS, In view of the fact that we live in a Christian Nation and a civilized community, it is incumbent on the citizens of California to be concerned for the welfare of their neighbors who find themselves in the humble position of requiring aid to meet the necessities of life; and

WHEREAS, To add to our responsibilities for the care of poor persons have come many thousands of immigrants to California from the cold of the North, the drouth and dust bowl areas of the Middle West, and the flooded areas of the South; and

WHEREAS, The taxpayers of the State of California have been called upon to aid and assist in assimilating this influx of unfortunate American citizens who have migrated to our State in desperation and are in dire need; and

WHEREAS, The taxpayers of the State of California have uncomplainingly up to the present time taken care of this situation as best they know how and to the limit of their ability, at a cost of many millions of dollars annually; and

WHEREAS, The State of California paid to the Federal Government between the years of 1933 and 1938 inclusive, more than $1,131,000,000 in taxes; and

WHEREAS, The State of California received from the Federal Government from all sources in return $952,000,000—California having paid nearly two hundred million dollars more in taxes than it received from the Federal Government during that period; and

WHEREAS, During that same period Oregon paid to the Federal Government approximately $50,000,000 in taxes and received more than $228,000,000 in return from the Federal Government—receiving over 4½ times what it paid in; and

WHEREAS, Nevada paid approximately $15,000,000 to the Federal Government during that same period and received in excess of $98,000,000 in return, or in excess of 6½ times its payment to the Federal Government, and neither of these States received an ap-

preciable amount of immigrants nor are they carrying the local load that California is carrying, on account of the large number of persons receiving Old Age Assistance in our State; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the President of the United States, the Congress of the United States, the Federal Security Administrator and the Commissioner of the Work Projects Administration are hereby respectfully urged and implored to come to the aid of California and give immediate attention and favorable action to our just cause at this crucial moment when it is necessary to call an extraordinary session of the Legislature to appropriate additional funds for relief; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President of the United States, the Congress of the United States, the Federal Security Administrator and the Commissioner of the Work Projects Administration; and be it

Resolved, That the Governor of the State of California and the State Relief Administrator are requested immediately to take steps to prosecute this resolution to a successful conclusion.

Exhibit 3.

SECTION 2615, WELFARE AND INSTITUTIONS CODE, AS RELATED TO OTHER PROVISIONS OF THE WELFARE AND INSTITUTIONS CODE OF WHICH IT IS A PART.

The Welfare and Institutions Code, Statutes 1937, Chapter 369, "An Act to establish a Welfare and Institutions Code, thereby consolidating and revising the law relating to and providing for protection, care, and assistance to children, aged persons, and others specially in need thereof, and to repeal certain acts and parts of acts specified herein, declaring the urgency thereof, and providing that this act shall take effect immediately", merely assembled in code form a number of existing general laws on the subjects of welfare and institutions.

The code consists of seven main divisions,

I. Administration of Welfare and Institutions; dealing with the organization of the State Department of Social Welfare, the State Department of Institutions, and with local or county administration of welfare work;

II. Children; dealing with delinquents and wards of the juvenile courts, orphans and other needy children, and institutions for child care and home finding agencies;

III. Aged Persons; dealing with the old age security law, and institutions and boarding homes for aged persons;

IV. Indigent Persons; dealing with county institutions for the indigent and county aid and relief to indigents;

V. Physically Handicapped Persons; dealing with aid to and institutions for the needy blind;

VI. Mentally Irresponsible Persons; dealing with commitments to county and private institutions;

VII. Indians; dealing with administration of federal funds and suits in behalf of Indians.

The provisions of the Welfare and Institutions Code applicable to indigent persons are sections 200-221 of Division I and sections 2400 to 2615 of Division IV.

The only sections in Division I, Chapter 3, Local Administration, which are in any way pertinent to section 2615 are the following:

> Sec. 200: "Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors in each county may provide for the care and maintenance of the indigent sick or dependent poor of the county, and for that purpose may levy the necessary property or poll taxes, or both."
>
> Sec. 206: "The board may provide for transporting the needy sick to and from hospitals to which they may be sent by authority of the board, and may provide for transporting indigents to other counties or States when such indigents will thereby cease to become public charges, or when friends or relatives of such indigents agree to assume the cost and expense of the care and maintenance of such indigents, or when such indigents are legally public charges in the places to which they are so transported."

The sections in Division IV, Indigent Persons, which are in any way pertinent to section 2615 are the following:

> Sec. 2500: "Every county and every city and county shall relieve and support all incompetent, poor, in-

digent persons and those incapacitated by age, disease, or accident, lawfully resident therein, when such persons are not supported and relieved by their relatives or friends, or by their own means, or by State hospitals or other State or private institutions."

Sec. 2501: "Every county may give such emergency relief to dependent nonresidents as the respective boards of supervisors deem necessary."

Sec. 2502: "If no other funds are available for the purpose, a county may incur all necessary expenses in transporting a nonresident indigent to another State or county when information at hand reasonably tends to show that the person has a legal residence in such State or county."

Sec. 2503: "Whenever the respective boards of supervisors deem it best for the welfare of a family or in the public interest that an indigent remain in a county not responsible for his support, the county responsible for the support of the indigent may agree to support him in the county not so responsible; but no indigent supported in this manner shall be deemed to have acquired a residence in the nonresponsible county. Such agreement shall be made by the responsible county with the nonresponsible county, and a record or copy thereof shall be sent to and filed in the office of the State Department of Social Welfare."

Sec. 2504: "If a dispute occurs between counties as to the responsibility for an indigent, either county may submit the dispute to the State Department of Social Welfare. The decision of the department thereon shall be final."

Sec. 2505: "Work may be required of an indigent, who is not incapacitated by reason of age, disease, or

accident, as a condition of relief. Such work shall be created for the purpose of keeping the indigent from idleness and assisting in his rehabilitation and the preservation of his self-respect."

Sec. 2550: "Except as otherwise provided in this chapter, a person, in order to be entitled to aid, shall be a resident of the State and of the county wherein application is made."

Sec. 2551: "The provisions of this article relating to residence are applicable in determining residence for the purposes of this chapter only."

Sec. 2552: "The residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he returns in seasons of repose."

Sec. 2553: "The residence of an unmarried minor child is the residence of the father, while he has legal custody of the minor, or if he has not such legal custody, the residence of the mother while she remains unmarried and has the legal custody of the minor.

The residence of an orphan is that of the last deceased person who had his legal custody.

The residence of a dependent child who has been declared free from the custody and control of his parent or parents, by order of the juvenile court, is not changed by change of the residence of the parent or parents."

Sec. 2554: "Neither the domicile nor residence of the husband shall be deemed to be the domicile or residence of the wife if they are living separate and apart and in such case each may have a separate domicile or residence dependent upon proof of the fact and not upon legal presumptions."

Sec. 2555: "A resident of the State of California is a person who comes within all the following descriptions:

(a) Who has lived continuously in the State for a period of three years with the intent to make it his home.

(b) Who, during the three-year period aforementioned, has not received any public or private relief or support from friends, charitable organizations, or relatives other than legally responsible relatives; but time spent in a public institution or on parole therefrom shall not be counted in determining the matter of residence in this or another State.

(c) Who has not lost his residence by remaining away from this State for an uninterrupted period of one year. Absence from the State for labor or other special or temporary purpose does not occasion loss of residence."

Sec. 2556: "A person who is a resident of California within the meaning of this chapter is a lawful resident of the county wherein he applies for aid if he has resided therein continuously for one year immediately preceding his application for assistance. If the applicant has no such residence, the county wherein he last resided continuously for one year immediately preceding his application shall be responsible for his support. If the applicant has no such year's residence within three years preceding application, that county shall be responsible for his support wherein he was present for the longest time during the three-year period. Time spent in a public institution or on parole therefrom or in a private charitable institution shall not in any case be counted in determining the matter of county residence."

Sec. 2576: "If any indigent has living within this State a spouse, parent, or adult child, and such kindred or any of them, or any group of them has sufficient financial ability to support the indigent, he shall not be eligible for aid under this chapter, except such emergency aid as may be extended hereunder pending a determination of responsibility for his support. Upon failure of such kindred to support the indigent, the county may extend aid, and such kindred in the order above named and to the extent of their ability shall reimburse the county for the support of the indigent by paying to the county the sums per month or per day fixed by the board of supervisors for such aid. In any case where such kindred are unable to pay the entire charge for such support, they shall reimburse the county to such an extent as may be determined under the provisions of this section.

The board of supervisors shall, in the case of aid granted by institutional care, fix a reasonable charge therefor, which shall be the measure of reimbursement to the county, and the existence of the order fixing the charge shall constitute prima facie evidence of its reasonableness."

Sec. 2577: "Upon failure of the kindred, referred to in section 2576, to perform their duty to support the indigent, the board of supervisors shall request the district attorney of the county to proceed against such kindred in the order of their responsibility for support. Upon such request the district attorney shall promptly commence and prosecute proceedings for the ascertainment and enforcement of the liability and responsibility of the kindred."

Sec. 2600: "The board of supervisors of any county may establish its own policies with reference to the amount of property, if any, a person shall be permitted to have while receiving public assistance, to

the end that so far as it is possible an applicant for public relief shall be required to apply his own property to his support."

Sec. 2601: "As a condition to the grant or continuation of aid to an indigent the board of supervisors may require as security for the moneys so expended that the applicant transfer or grant to it such property or interest in property as the applicant has, or such portion thereof or estate therein or lien thereon as the board specifies. Such property shall be managed by the board of supervisors and the net income thereof shall be applied to the reimbursement of the county for the aid granted and any surplus in excess of such reimbursement shall be paid to the indigent. In the case of any estate, interest, or lien in such property held by the board, or any right of management transferred thereto, the board shall have all the powers of an attorney in fact for the indigent as to such estate, interest, or lien and may sell, lease, or transfer the same, defend and prosecute all suits concerning it, pay all just claims against it and be reimbursed out of the proceeds, and do all things necessary for the protection, preservation, and management thereof. Any such estate, interest, or lien shall be held by the board subject to the claim of the county for reimbursement for aid granted to the applicant or for moneys expended in its management, preservation, or protection, and such reimbursement shall constitute a preferred claim against such estate, interest or lien."

Exhibit 4.

LEGISLATIVE HISTORY OF SECTION 2615, WELFARE AND INSTITUTIONS CODE.

Present Section 2615, Welfare and Institutions Code of California (Stats. 1937, p. 1406), reads:

> "Wilful act a misdemeanor. Every person, firm, or corporation, or officer or agent thereof that brings or assists in bringing into the State any indigent person who is not a resident of the State, knowing him to be an indigent person, is guilty of a misdemeanor."

The section, however, was not a new statute in 1937 but was based upon a similar statute in effect prior to the adoption of the Welfare and Institutions Code and which was repealed at the time of the codification of the welfare and institution laws.

It should be noted that section 2 of the Welfare and Institutions Code itself provides that, in so far as its provisions are substantially the same as existing statutory provisions relating to the same subject matter, they shall be construed as restatements and continuations thereof, and not as new enactments.

This former statute was "An Act to provide for the aid and relief of indigents" (Stats. 1933, Chapter 761, p. 2005).

Section 12 of this act was identical in terms with present section 2615, Welfare and Institutions Code, except that following the words "indigent person", were the words "as described in this act".

The Act of 1933, itself, described indigents in section 1 thereof (the predecessor of present sections 2500 and 2505, Welfare and Institutions Code) as follows:

> "Every county and every city and county shall aid and relieve all able bodied indigent persons and those indigents incapacitated by age, disease or accident, when such indigent persons are not supported and relieved by their relatives, or friends or by public or private institutions. Work may be required of an able bodied indigent as a condition of relief. Such work shall be created for the purpose of keeping the indigent from idleness and assisting in his rehabilitation and the preservation of his self respect."

The residence provisions of this Act of 1933 were the same as the present Welfare and Institutions Code sections 2555 and 2556, i.e., three years in the State and one year in the county.

Section 12 of the Act of 1933 was in turn based upon a somewhat similar statute, "An Act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within the state hospitals), becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons" (Stats. 1901, p. 636, Chap. CCX), section 3 of which read:

> "Every person, firm or corporation, or the officers, agents, servants or employees of any person, firm or corporation, bringing into or leaving within, or procuring the bringing into or leaving within, or aiding in the bringing into or the leaving within, of any pauper or poor or indigent or incapacitated or in-

competent person as hereinbefore mentioned, in any county or city and county in the State of California, wherein such person is not lawfully settled or not lawfully residing, as herein defined, knowing him to be such pauper, poor, indigent, or incapacitated or incompetent person, shall be guilty of a misdemeanor."

The Act of 1901 described indigents in section 1 thereof as follows:

"Every county and every city and county shall relieve and support all pauper, incompetent, poor, indigent persons and those incapacitated by age, disease or accident, lawfully resident therein, when such persons are not supported and relieved by their relatives or friends, or by their own means, or by state hospitals or other state or private institutions."

The Act of 1901 contained no time provision for the establishment of residence in the State as a condition to relief, but did contain a provision for removal of such persons as had not resided in the county for three months, section 4 reading as follows:

"If any person shall become chargeable as a pauper, or poor, or indigent, or incapacitated, or incompetent person as herein designated, in any county, or city and county, who did not reside therein (as herein specified) at the commencement of three months immediately preceding his becoming so chargeable, but did at that time reside (as herein specified) in some other county, or city and county in this state, it shall be the duty of the county clerk of said first mentioned county or city and county to send written notice by mail or otherwise to the county clerk of the county or city and county in which such person so resided, requesting the proper authorities of such county or city

> fray the expense of returning the following named persons to Missouri: Beulah George, Raymond George, Rose Ann George, Dorothy Dan George, Clara May George and James George."

The following information has been received from the office of the District Attorney and the Welfare Department of Kings County concerning this case:

The complaint was sworn to by Ora D. Strong, Tulare County Welfare Director, who was also present at the time judgment was pronounced. In fact the sentence made by the Court was that recommended by Mr. Strong. The Welfare Department of Kings County advanced to defendant Willie George the necessary funds for transportation of the alleged indigents to Missouri. The defendant took these persons back to Missouri and then returned to California, but has never reimbursed the Welfare Department for the funds so expended by it.

Beulah George, a widow, was the aunt of defendant, the remainder of the alleged indigents were her children, ranging in age from 12 years to eight months. The family resided in Missouri before coming to California, where child aid of $56.00 per month had been given, but was discontinued, due to lack of cooperation. At the time of a visit in October to Missouri by defendant, a resident of California, Beulah George persuaded defendant to take her and her children to California. They arrived in Kings County on October 19, 1939. Shortly thereafter application was made to the County Welfare Department by Beulah George for assistance, which was refused because

of lack of residence. At that time Mrs. George stated to O. D. Strong, County Welfare Director, that she came to California because she heard this State granted a larger amount of aid for orphan children; that she had no means of subsistence; that she owned no property of any kind prior to leaving Missouri.

After the applicant had been rejected by the County Welfare Department, application for assistance was made by Beulah George to the Farm Security Administration, which granted assistance by providing groceries and two cash vouchers prior to her return to Missouri with her children.

YUBA COUNTY.

PEOPLE v. FRED EDWARDS

This is the instant case and supplementing the facts set forth in the record, we have ascertained as follows:

J. E. Barton, Special Investigator in the office of the State Controller, who signed the complaint in the above entitled action, made a report on February 12, 1940, to Mr. J. M. Roberts, Administrative Assistant to the State Controller, in which the following facts appeared:

The records of the Farm Security Administration, U. S. Department of Agriculture, reveal that the alleged indigent Frank Duncan applied for assistance on January 11, 1940, six days after arrival in the County of Yuba. The case was accepted by that agency and prenatal care was extended to Mrs. Duncan, hospitalization for the birth of a child on January 26, 1940 was granted and further medical care was extended after the birth.

Fred Edwards made the statement to J. E. Barton and Lyle Platt, State Relief Administration County Case Supervisor, that he made the trip to Texas for the express purpose of bringing Frank Duncan and his family to California, knowing that Duncan was not a resident of California, was unemployed in Texas, and would be unemployed and without adequate resources upon entering California.

Mrs. Duncan was a sister of Mrs. Edwards, wife of the defendant.

TULARE COUNTY.

In this county eleven complaints were filed by A. H. Kincaid, Special Investigator to the District Attorney, whose duty it was to investigate cases wherein persons were unlawfully receiving assistance from the County Welfare Department, and who at present is employed in the same duties in the Welfare Department. In some instances prosecutions were commenced as the result of information obtained when applications for assistance by destitute people were made to the County Welfare Department. In other instances, reports were received from various persons that a family of destitute people had recently arrived, which lead to investigations. In both instances, upon ascertainment that these persons were without means of subsistence and were in need of assistance and had recently arrived in the State, the names of several members of the family were ascertained and complaints were filed under section 2615 against the person who had brought these people into the State.

The only information obtainable from either the Welfare Department or the District Attorney's office concerning the background of these prosecutions was secured from A. H. Kincaid, who signed the compiaints. He had no written memoranda but was able tc recall from memory various facts that were involved in a number of the prosecutions. These are set forth hereafter in connection with each case.

PEOPLE v. FRED E. WOODWARD

Criminal No. 12,144, In the Justice's Court of Tulare Township, County of Tulare; Docket 36, Folio 295.
Ward G. Rush, Esq., Justice of the Peace.

Complaint sworn to by A. H. Kincaid on January 24, 1940, charged that Fred E. Woodward, on or about the 3rd day of December, 1939, in violation of Sec. 2615 of the Welfare Code "did wilfully bring into the State of California certain indigent persons, to-wit: Mrs. Fred E. Woodward and four children, all of said indigent persons not being residents of the State and said defendant well knowing said persons to be indigent."

Docket entries as follows:
"1940.

Jan. 24 Complaint filed.
" 24 Warrant issued."
(No further action was ever taken)

A. H. Kincaid, who signed the complaint, advised that the Mrs. Fred E. Woodward and four children alleged to be indigents were the wife and four minor children of defendant.

The following information was obtained from the Farm Security Administration, U. S. Department of Agriculture, concerning defendant, as shown by its records as of September, 1941:

"*WOODWARD, FRED E.*

Family composition: Frederick E., head, age 46; Jannie, wife, age 38; Doris, daughter, age 13 years; Lois, daugh-

ter, age 9 years; Geneva, daughter, age 7; Freddie, son, age 3; Vida, son, age 1. The family has been known to this agency only in Tulare County and has received aid in the following months; December 1939 through May 1940; July 1940; December 1940 through May 1941. The client is a citizen and formerly lived at Mortilton, Arkansas. He left there in November 1939 and entered California the following month. Before coming to this state he had been engaged in the jewelry business."

PEOPLE v. JOHN COOK.

Criminal No. 10,213, in the Justice's Court of Visalia Township, County of Tulare, Docket 25, Folio 33.
Gareth W. Houk, Justice of the Peace.

Complaint sworn to by A. H. Kincaid, Dec. 14, 1939, charged that John Cook on or about Sept. 21, 1939, in violation of Sec. 2615 of the Welfare Code "did wilfully bring into the State of California certain indigent persons, to-wit: Mrs. Lela Benge, Lela May Benge, Rosemary Benge, J. B. Benge, William Edward Benge, Jackie Benge, and Jimmy Benge, all of said indigent persons not being residents of the State and said John Cook well knowing said persons to be indigent." The warrant fixed bail at $500.

Docket entries as follows:

"Defendant pleads guilty and waives time for judgment.

"Wherefore, It is by this Court ORDERED AND ADJUDGED that for said offense, you the said defendant be imprisoned in the County Jail for a term of six (6) months, suspended for two years on condition that the defendant return with his family to Oklahoma and take with him all the parties set forth in the within complaint, and not return for said two year period. Said defendant is to leave with said parties on or before the 21st day of December, 1939, at 12 noon.

"Done in Open Court this 16th day of December, 1939.

"Gareth W. Hauk"

The following information was received from the Farm Security Administration, U.S. Department of Agriculture, concerning Lela Benge and her six minor children as shown by its records:

"*BENGE, LELA*

On September 26, 1939 the family composition was as follows: Lela, head, age 29 (widow); Lela May, daughter, age 11; Rose Mary, daughter, age 10; J. B., son, age 7; William Ed, son, age 5; Jackie, son, age 2; Jimmie, son, age 1. Aid was extended from September through December, 1939, and February through May, 1940. All grants were made in Tulare County. The family are citizens and formerly lived in Miama, Oklahoma, where the client's husband had done farm work until his death in May, 1939. According to Mrs. Benge's statement, the family had received 'general relief' in Oklahoma. No work history was given for her."

Information from A. H. Kincaid, who signed the complaint, reveals that the alleged indigent, Mrs. Lela, Benge,

was the widowed mother of the remaining alleged indigents, all of whom were minor children. There was no family relationship between defendant and the alleged indigents.

PEOPLE v. FRANK RAMOS

Criminal No. 11904, In the Justice's Court of Tulare Township, County of Tulare; Docket 36, Folio 155.
Ward G. Rush, Esq., Justice of the Peace.

Complaint sworn to by A. H. Kincaid on November 20, 1939, charged that Frank Ramos, on or about the 8th day of May, 1939, in violation of Sec. 2615 of the Welfare Code "did wilfully bring into the State of California certain indigent persons, to-wit: Ponciano Borazo, Jim Borazo, Julia Ramos, Alice Ramos, Betty Ramos and Rudolph Ramos, all of said indigents not being residents of the State of California and said defendant well knowing said persons to be indigents."

Docket entries as follows:
"1939
Nov. 20 Complaint filed.
" 20 Warrant issued ($500 bail).
Dec. 27 Warrant returned and filed."

The following information was received in September 1941 from the Farm Security Administration, U. S. Department of Agriculture concerning Frank Ramos as shown by its records:

RAMOS, FRANK R.

On June 6, 1939 the family composition was as follows: Frank, head, age 38; Dolores, wife, age 38; Ponciano, son, age 15; Eufrasio, son, 13 years; Julia, daughter, 10 years; Alegandra, daughter, age 9; Betty, daughter, 5 years; Rudolph, son, 1 year. The family received aid continuously from June 1939 to the present, except for September, 1940. Mr. Ramos is a citizen of Mexico and the Visalia Office recently reported that his command of the English language is very slight, limiting his employability. This accounts for the long and continuous record of aid. The general health of the family is poor and the youngest child, Rudolph, is blind, deaf and dumb, which has been a further handicap to the client, inasmuch as he has had to remain at home to care for the others."

A. H. Kincaid, who signed the complaint, advised that the alleged indigents Ponciano Borazo and Jim Borazo were step-children of defendant and that Julia, Alice, Betty and Rudolph Ramos, the remaining alleged indigents, were children of the defendant Frank Ramos and that all of the alleged indigents were minors.

PEOPLE v. BOOKER CRISP

The complaint was filed by A. H. Kincaid on January 19, 1940, in the Justice's Court of Alpaugh Township, Lemuel L. Ellis, Justice, charging Booker Crisp with violating Sec. 2615 of the Welfare Code by wilfully bringing an indigent, Clara Tell, into the State on or about the 1st day of October, 1939.

Although the complaint was filed with Justice of the Peace Lemuel L. Ellis, there were no further proceedings.

According to information received from A. H. Kincaid, who signed the complaint, defendant brought Clara Tell and her eleven minor children into Tulare County and then left her and the children. There was no family relationship between defendant and Clara Tell, the alleged indigent.

The Welfare Department of Tulare County has been granting aid to Clara Tell for six of her children under the provisions of the Welfare and Institutions Code for Aid to Needy Children since July, 1941.

The following information was received from the Farm Security Administration with respect to defendant Booker Crisp:

"*CRISP, BOOKER*

Family composition: Booker, head, age 25; Ethel, wife, age 30; Mary, niece, age 4. The client was known to us only in Tulare County and aid has been extended in July and August, 1941. The family has been migrating between California and Arizona following the cotton crops, since 1933. They are citizens but do not have state residence in either California or Arizona."

PEOPLE v. L. D. JONES, W. K. JONES AND WILLIAM ENSMINGER

Criminal No. 10,197, In the Justice's Court of Visalia Township, County of Tulare, Docket 25, Folio 17.
Gareth W. Houk, Justice of the Peace.

Complaint sworn to by A. H. Kincaid on Nov. 29, 1939, charged that L. D. Jones, W. K. Jones, and William Ensminger on or about the 8th day of November, 1939, in violation of Sec. 2615 of the Welfare Code "did wilfully bring into the State of California certain indigent persons, to-wit: Andrew Atkins, Minnie Atkins, Frank Ensminger, Mary Ensminger, Leon Ensminger, Ivry Ensminger, Bobby Ensminger, and Dolores Ensminger, all of said indigent persons not being residents of this State and said defendants well knowing said persons to be indigents."

Docket entries as follows:

"Warrants returned this 30th day of November, 1939. Defendants, L. D. Jones and W. K. Jones, present in court and duly arraigned. Complaint read to each of them and they are informed of their right and give their true names as L. D. Jones and W. K. Jones. Defendants, L. D. Jones and W. K. Jones plead guilty and waive time for pronouncing sentence.

"WHEREFORE, It is by this Court ORDERED AND ADJUDGED, that for said offense, you, L. D. Jones and W. K. Jones, the said defendants be imprisoned in the County Jail of said Tulare County for a period of six (6) months, suspended for two years on condition defendants immediately return to their homes in Oklahoma

and also return all parties named as indigents in the complaint on file therein to their homes in Oklahoma at once and have some police officer or official in their home town advise the Court of their arrival there. Said defendants and said indigents are to remain out of the State of California for a period of two years.

"Done in Open Court this 30th day of November, 1939.

"Gareth W. Houk
Justice of the Peace"

The following information was received from the Farm Security Administration U. S. Department of Agriculture concerning defendant, William Ensminger, as shown by its records as of September, 1941:

"*ENSMINGER, WILLIAM*

On July 5, 1940 the family composition was as follows: William F., head, age 43 (divorced) Mary, daughter, 13 years; Leon, son, age 15; Iver, son, age 10; Dolores, daughter, 5 years. Aid was granted in Riverside, Tulare and Kern Counties and extended in the following months:

1939: March, April, August, October, November, December.
1940: January, February, July.
1941: January, February, August.

"The family left Tulsa, Oklahoma, in April 1939 and entered California on August 10, 1939. The client is a citizen and reported six months work out of 12 months previous to July 1940, indicating his willingness and ability to work. The family had previously been in California for a few months in 1938.

Our records do not show that *Minnie Atkins* received assistance from this agency. However, there is a brief mention of her in the case record for William Ensminger. According to this information, Mrs. Atkins was Mr. Ensminger's former wife. In September, 1939, Minnie Atkins, her present husband, Charles Atkins, and Mrs. Atkins' five children by her first marriage left Oklahoma to migrate to California. They got as far as Texas, where they were involved in an auto accident in which Mrs. Atkins was critically injured and confined to a hospital for two months. Charles Atkins was apprehended for some charge and returned to Oklahoma, where he was sent to the McAllister Penitentiary. When Mr. Ensminger heard of the plight of his former wife and their children, he made plans to assist them to reach California. He contacted Mrs. Atkins' brothers, Lawrence D. and William K. Jones, legal residents of California, who were taking a trip to Oklahoma. They took Mr. Ensminger as far as Texas and planned to pick up Mrs. Atkins and the two younger children on the return trip. Mr. Ensminger and the three older children hitch-hiked back to California. After the Atkins family reached California, Mr. Ensminger deserted Mrs. Atkins and the children. Mrs. Atkins was still very ill as a result of the accident and applied to the County Welfare Department for assistance. She also wanted transportation back to her legal residence in Oklahoma as soon as she was able to travel."

From the records of the Farm Security Administration the following information was obtained on two cases receiving assistance from that agency:

"*JONES, WILLIAM K. JR.*

Family composition: William K. Jr. 28 years; Wife, Mrytis, 21 years; Josalee, daughter, 2 years. They have been known to this agency in Imperial, Tulare, and Santa Clara Counties. Aid was extended in the following months:

1938—March, May, August, September, October, November.

1939—January, February, March, June, July, August, November.

1941—January, March, April, May, June, July.

1941—January, February, March.

The family stated that they had formerly lived in Hollis, Oklahoma and left there in 1936. In July 1939, Mr. Jones stated that he had worked six months out of the previous year, indicating that he was employable.

"*JONES, LAWRENCE DEE*

Family composition: Lawrence, 30 years; Wife, Eddie, 18 years. They have been known to this agency in Imperial, Tulare and Santa Clara Counties. Aid was extended in the following months:

1938—March, May, June, July, August, September, October, November, December.

1939—January, March, May, June, July, August, October.

1940—January, February, April, July.

1941—January, March.

The family stated that they had formerly lived in Hollis, Oklahoma and left there in 1937. They lived in California for eight months in 1938 and re-entered the state

in January, 1939. In June 1939 the client reported six months agricultural work for the previous year, indicating that he was employable."

PEOPLE v. LESTER ANDERSON AND JOHNNIE ANDERSON

Criminal No. 2802, in the Justice's Court of Orosi Township, County of Tulare. Docket 14; Folio 9.
E. C. Archer, Justice of the Peace.

Complaint sworn to by A. H. Kincaid, November 15, 1939, charged that Lester Anderson and Johnnie Anderson on or about October 20, 1939, "did wilfully bring into the State of California certain indigent persons, to wit, Perly Anderson, Marie Anderson, Le Roy Anderson, Iva May Anderson, Howard Anderson and Albert Anderson, all of said indigents not being residents of the State and said defendants well knowing said persons to be indigents."

Docket entries as follows:

"Nov. 15, 1939. Said defendants, each for himself, pleaded guilty as charged and received time for judgment. . . .

"Ordered and adjudged, that for said offense, you, the said defendant Lester Anderson and Johnnie Anderson each be imprisoned in the Industrial Road Camp of said Tulare County for a term of six (6) months.

"It is Ordered, however, that sentence be suspended and defendants admitted to probation for two years only on the following terms and conditions.

"(First) That on or before the first day of December, 1939, said defendants transport or cause to be transported back to the State from which they came, the State of Oklahoma, the indigent persons named in the complaint filed herein, to wit, Perly Anderson, Marie Anderson, Le Roy Anderson, Iva May Anderson, Howard Anderson and Albert Anderson.

"(Second) That defendants herein during said term of 2 years comply with all the provisions of the Welfare Code of California and also with all other laws of this state.

"Done in Open Court this 15th day of November, 1939.

"E. C. Archer, J. P."

The alleged indigents were returned to Oklahoma according to advice from the office of the District Attorney.

No further definite information was obtained concerning either the alleged indigents or the defendants.

PEOPLE v. LEE RANKIN AND MYRTLE MORRIS

Criminal No. 2803, In the Justice's Court of Orosi Township, County of Tulare; Docket 14, Folio 8. E. C. Archer. Justice of the Peace.

Complaint sworn to by A. H. Kincaid, November 16, 1939, charged that Lee Rankin and Myrtle Morris on or about the 1st day of August, 1939, in violation of Sec. 2615 of the Welfare Code "did wilfully bring into the State of California certain indigent persons, to-wit: Dorothy Morris, Billie Morris, and Howard Morris, all of said indigents not being residents of the State and

said defendants well knowing said persons to be indigents."

Docket entries as follows:

"Nov. 17, 1939. Each of said defendants pleaded not guilty and waived their statutory rights as to trial within 30 days, and released on their own recognizance, pending further action herein.

"On motion of complaint herein date of trial continued indefinitely with understanding case may be set for trial on motion of Complainant or District Attorney."

A. H. Kincaid, who signed the complaint, has advised that the alleged indigents were all minor children of defendant Myrtle Morris and that there was no family relationship between defendant Lee Rankin and defendant Myrtle Morris or between defendant Lee Rankin and the alleged indigents.

The defendant Myrtle Morris, on behalf of her children, has been receiving assistance from the Tulare County Welfare Department since January, 1941 pursuant to the provisions of the Welfare and Institutions Code for Aid to Needy Children.

The following information has been received from the Farm Security Administration concerning Lee Rankin as shown by its records.

"*RANKIN, LEE*

Family composition: Lee, 34 years, Wife, Pearl, 30 years; Randall, son, 10 years; James, son, 7 years; John William, son 3 years; Lee, son, 15 months. They have been known to this agency in Kern and Tulare Counties and aid has been extended in the following months:

1938—September and December.

1939—August, October, November and December.

1940—January, February, March, May.

1941—January.

The family stated that they had formerly lived in Rogers County, Oklahoma, leaving there in July 1939 and entering California the following month. Previously they had been in California for three months in 1938."

Other information pertinent to the case is as follows:

According to the Farm Security Administration, U.S. Department of Agriculture, a family composed as follows: Myrtle Morris, 33 years; Dorothy, a daughter, 14 years; Billie, a daughter, 9 years; and Howard, a son, 7 years; arrived in California on August 1, 1939 and received aid continuously from that Administration from August, 1939, through August, 1940. The family lived in Texas up to March, 1939, and in Oklahoma between March and August.

PEOPLE v. BUDDY DUNCAN

Criminal No. 11,983, In the Justice's Court of Tulare Township, County of Tulare; Docket 36, Folio 234. Ward G. Rush, Esq., Justice of the Peace.

Complaint sworn to by A. H. Kincaid on Dec. 19, 1939, charged that Buddy Duncan, on or about April 29, 1939, in violation of Sec. 2615 of the Welfare Code "did wilfully bring into the State of California certain indigent persons, to-wit: Lydia Duncan, Inez Duncan, Billie Duncan, Wanda Duncan and Joe Wayne Duncan all of said

indigent persons not being residents of the State and said defendant well knowing said persons to be indigent."

Docket entries as follows:

"1939

Dec. 19 Complaint filed.

" 19 Warrant issued; Bail $1000.

" 20 Deft. in court—duly arraigned—informed of all his legal rights—plead 'guilty' remanded to the custody of the Sheriff.

" 23 Deft. released on his own recognizance to appear in Court Wednesday, December 27th, 1939.

" 27 Deft. in Court to receive sentence, whereupon the Court pronounced judgment as follows:

It is hereby ordered and adjudged that you the said defendant serve six months in the County jail of Tulare County, said sentence being suspended for a period of one year, upon condition that you return to the place from whence they came, Lydia Duncan, Inez Duncan, Billie Duncan, Wanda Duncan and Joe Wayne Duncan or to the State of Arizona."

No information is available from Tulare County authorities concerning the defendant or the alleged indigents.

However, the Farm Security Administration has furnished information on a case receiving assistance from that agency in which the names of the alleged indigents appear, and which is as follows:

"*DUNCAN, LANNY*

Family composition: Lanny, 46 years; Wife, Lyda, 40 years; Riley, son, 21 years; Billy, 19 years; Doris, daughter, 13 years; Jo Wayne, son, 4 years. They have been

known to this agency in Imperial, Santa Clara, San Joaquin, and Tulare Counties and aid has been extended in the following months:

1938—February, May, June.

1939—June, August, September, October, November, December.

1940—January through September and November and December.

The family stated that they had formerly lived in Pontotoc, Oklahoma, leaving there in February 1938. In October 1939 the two oldest boys reported six months work and the father, Lanny, reported two months work in the previous year."

PEOPLE v. RAY KELLY

Criminal No. 11,984, In the Justice's Court of Tulare Township, County of Tulare; Docket 36, Folio 235. Ward G. Rush, Esq., Justice of the Peace.

Complaint sworn to by A. H. Kincaid on Dec. 19, 1939 charged that Roy Kelly, on or about Dec. 28, 1939, in violation of Sec. 2615 of the Welfare Code "did wilfully bring into the State of California certain indigent persons, to-wit: Lannie Duncan, all of said indigent persons not being residents of the State of California and said defendant well knowing said persons to be indigent."

Docket entries as follows:

1939

"Dec. 19 Complaint filed.

" 19 Warrant issued; Bail $1,000.

" 27 Warrant returned and filed."

(Warrant was never served)

No information is available from Tulare County authorities concerning the alleged indigent or the defendant.

The Farm Security Administration has submitted a report on a case receiving assistance from that agency in which the name of the alleged indigent Lannie Duncan appears. This report is as follows:

"*DUNCAN, LANNY*

Family composition: Lanny, 46 years; Wife, Lyda, 40 years; Riley, son, 21 years; Billy, 19 years; Doris, daughter, 13 years; JoWayne, son, 4 years. They have been known to this agency in Imperial, Santa Clara, San Joaquin, and Tulare Counties and aid has been extended in the following months:

1938—February, May, June.

1939—June, August, September, October, November, December.

1940—January through September and November and December.

The family stated that they had formerly lived in Pontotoc, Oklahoma, leaving there in February 1938. In October 1939 the two oldest boys reported six months work and the father, Lanny, reported two months work in the previous year."

PEOPLE v. JOHN VAUGHN AND ROSE HENSON

Criminal No. 1152, In the Justice's Court of Tipton Township, County of Tulare; Docket 4, Folio 300.

F. J. Klindera, Justice of the Peace.

Complaint sworn to by A. H. Kincaid on November 10th, 1939, charged that John Vaughn and Rose Henson on or about September 27, 1939, "did wilfully bring into the State of California certain indigent persons, to-wit: Robert Lee Henson, Pearline Henson, Percy Henson, Fred Henson, Mrs. John Vaughn, and said defendant John Vaughn's two children, all of said indigent persons not being residents of this State and said defendant knowing said persons to be indigents."

Docket entries as follows:

"Nov. 10, 1939. Complaint filed warrant issued. Defendants J. Vaughn and Rose Henson, brought into court by A. H. Kincaid, informed of their rights waived time of pronouncing judgment and plead guilty; judgment of this Court that defendant Vaughn serve 6 months in Tulare Co. Industrial Camp reimburse the County for all relief received. Defendant Rose Henson to serve six months in Co. Jail Camp and jail sentence suspended on condition the defendants leave county and State on or before Nov. 15 and they are not to return to Tulare Co. or State of Calif. for period of two years and advise this Court on their arrival in State of Oklahoma."

We have been advised by A. H. Kincaid that the defendant Rose Henson was the mother of the alleged indigents Robert Lee Henson, Pearline Henson, Percy Henson, and Fred Henson, and that defendant John Vaughn was the husband of Mrs. John Vaughn, one of the alleged indigents, and that the two children of John Vaughn, alleged to be indigents, were minors. There was no family relationship between John Vaughn and Rose Henson.

At the time of the arrest of John Vaughn he had recently completed his fourth trip between California and Oklahoma in a period of from three to four weeks and had brought people into the State with him on each trip who were destitute and without means of subsistence.

The following information was received from the Farm Security Administration as shown by its records as of September, 1941:

"*HENSON, ROSIE M.*

On September 16, 1940 the family composition was as follows:

Rosie M. head, 41 years; Percy, son, 19 years; Perline, daughter, 17 years; Robert Lee, son, 8 years. According to a recent report, the son Percy has left the home. The family has been known to this agency only in Tulare County, and aid was extended in the following months:

1940: September, December;

1941: January, February, March, April, May, August.

According to the client's statement, they are citizens and left Maldron, Oklahoma, on May 16, 1940, entering California on May 19, 1940. They have resided here since that time and there is nothing in our records that would indicate that they are not law-abiding citizens. On April 15, 1941 Rosie Henson reported over 90 days farm work in the past year, indicating that she is willing to work and employable. The family had previously lived in California for a few weeks in 1939. They received aid in October, 1939 for one month in Tulare County, the son, Fred Henson, age 22, acting as case head. At that time he reported three months agricultural work in the previous year."

PEOPLE v. RICHARD OCHOA.

Criminal No. 11,905, In the Justice's Court of Tulare Township, County of Tulare; Docket 36, Folio 156.
Ward G. Rush, Esq., Justice of the Peace.

Complaint sworn to by A. H. Kincaid, November 20, 1939, charged that on or about May 8, 1939, in violation of Sec. 2615 of the Welfare Code, Richard Ochoa "did wilfully bring into the State of California certain indigent persons, to-wit: Ponciano Borazo, Jim Borazo, Julia Ramos, Alice Ramos, Betty Ramos and Rudolph Ramos, all of said indigents not being residents of the State of California and said defendant well knowing said persons to be indigents."

Docket entries as follows:

"Date
1939

Nov. 20 Complaint filed

" 20 Warrant issued

Dec. 27 The above named deft. appearing in Court on this day, and being informed of all his legal rights waived all legal rights and plead guilty. Waived time for pronouncing Judgt., whereupon, the Court pronounces Judgment as follows:

It is the Judgment of the sentence of the Court that you, the said Deft., serve six months in the Co. Jail of Tulare County. Committment to be withheld for a period of one year upon the following terms and conditions: The first condition is, that you gather up all these people

whom you brought to this State from the State of Arizona, and take them back to the place from whence they came, and this must be done within the next ten days.

Warrant filed.

Done in Open Court this 27th day of Dec. 1939.

SIGNED: WARD G. RUSH
Justice of the Peace,
said Township."

March 13, 1940

Defendant being present in Court, represented by his Attorney, R. W. Henderson, and upon being questioned by the Court, said defendant admitted in Open Court that he had not complied with the Order of Court heretofore made, on December 27th, 1939, in that said defendant had failed, neglected, and refused to return certain indigents to the place from whence they come, and which said defendant had brought to California from the State of Arizona; and good cause appearing therefor, the Order of Court heretofore made suspending the issuance of Committment is hereby revoked and set aside, and it further appearing to the Court that Committment should issue in the above entitled cause,

NOW, THEREFORE, it is hereby ORDERED AND ADJUDGED that Committment issue in accordance with the judgment heretofore entered on December 27th, 1939.

Done in Open Court this 13th day of March, 1940.

SIGNED: WARD G. RUSH,
Justice of the Peace,
said Township

March 13

Committment issued."

Defendant was committed on March 13, 1940. A Petition for Writ of Habeas Corpus was filed in the Superior Court of the State of California and a Writ was issued on March 26, 1940. The Petition was submitted on briefs and later denied on May 3, 1940.

Immediately thereafter a Petition for Writ of Habeas Corpus was filed in the District Court of Appeal (Fourth Appellate District), State of California. The Writ was issued but defendant was released on parole before the Sheriff of Tulare County could be served, and the Petition was not acted upon further.

A. H. Kincaid, the signer of the complaint, has advised that the alleged indigents Ponciano Borazo and Jim Borazo were stepbrothers of the wife of the defendant Richard Ochoa, and that the remaining alleged indigents Julia Ramos, Betty Ramos and Rudolph Ramos were the brother and sisters of defendant's wife. All of the alleged indigents were minor children.

The following information was received from the Farm Security Administration concerning defendant:

"*OCHOA, RICHARD (RICARDO)*
Family composition: Ricardo, 21 years; Wife, Bessie, 20 years; Lola, daughter, 2 years. They have been known to

this agency only in Tulare County and aid was extended in the following months:

1939—June, July, December

1940—January, February, March, August.

The family had previously lived in Gilbert, Arizona and left in May 1939, entering California the same month. On June 6, 1939 Mr. Ochoa reported three months agricultural work in the previous year and was seeking agricultural work at that time, indicating that he was employable. In December 1939 Mr. Ochoa was sentenced to six months in the Tulare County Jail for transporting the indigent family of Frank Ramos into California. Sentence was suspended on condition that he return the Ramos family to Arizona. Later, when it was found that the Ramos family was still living in California, Mr. Ochoa was required to serve his sentence."

Exhibit 7.

SUMMARY OF PUBLIC ASSISTANCE.

Persons Receiving Aid and Amount of Aid Extended Through State and County Public Assistance Agencies in California from July 1, 1932 to June 30, 1940.

Number of Persons Assisted and Amounts Expended by the State and Counties in Payment of Old Age Security (Aid to the Needy Aged) from July 1, 1933 to June 30, 1940, pursuant to Sections 2000 to 2360 Welfare and Institutions Code.

	Number of Persons	Total Amount of Aid	Average Per Person During Last Month of Period
July 1932 to June 1933	30,555*	$1,811,819.23	
July 1933 to June 1934	37,967*	2,068,999.27	$20.00
July 1934 to June 1935	46,419*	2,480,487.06	
July 1935 to June 1936	31,447**	1,651,628.76**	20.14
July 1936 to June 1937	79,113***	23,730,593.00	31.35
une 1937 to July 1938	118,034***	38,758,845.00	32.33
July 1938 to June 1939	131,968***	49,011,577.00	32.45
July 1939 to June 1940	141,792***	57,685,814.00	37.95

*Total number during period.
**Incomplete.
***Number of persons assisted during last month of period.

Since July, 1936, pursuant to the Social Security Act the Federal Government reimburses the State to the extent of one-half of the aid granted, not to exceed $15.00 per individual; the State and the county of residence each contribute one-half of the balance of the grant to each person.

Source: Biennial Reports, Department of Social Welfare, State of California; July 1, 1936-June 30, 1938; June 30, 1940.

Number of Children Assisted and Amounts Expended in Aid to Orphans and Other Needy Children in Counties and Institutions from July 1, 1932 to June 30, 1940, Pursuant to Sections 1500 to 1630 Welfare and Institutions Code.

	Number of Persons	Total Amount of Aid
July 1932 to June 1933	38,565*	$2,043,261.52
July 1933 to June 1934	45,674*	2,296,053.61
July 1934 to June 1935	50,220*	2,541,488.82
July 1935 to June 1936	48,715**	2,510,412.16**
July 1936 to July 1937	23,071***	4,017,977.00
July 1937 to June 1938	30,896***	5,533,344.00
July 1938 to June 1939	38,679	7,344,452.00
July 1939 to June 1940	42,359	8,760,467.00

*Total number during period.
**Incomplete.
***Number of persons assisted during last month of period.

Since July 1, 1936 pursuant to the Social Security Act, the Federal Government has reimbursed the State and counties for part of the aid granted as shown above. Prior to January 1, 1940 this reimbursement was to the extent of one-third of the amount of assistance up to $18 for one child and to one-third up to $12 for each additional child. Since that date Federal contribution is one-half of the grant as qualified above.

Source: Biennial Reports, Department of Social Welfare, State of California; July 1, 1936-June 30, 1938; July 1, 1938-June 30, 1940.

Number of Persons Assisted and Amounts Expended by the State and Counties in Payment of Aid to the Needy Blind from July 1, 1932 to June 30, 1940, Pursuant to Sections 3000 to 3091 Welfare and Institutions Code.

	Number of Persons	Total Amount of Aid	Average Per Person During Last Month of Period
July 1932 to June 1933	4,737*	$455,367.94	
July 1933 to June 1934	6,070*	545,546.17	$33.08
July 1934 to June 1935	7,412*	661,526.00	33.78
July 1935 to June 1936	5,849**	537,201.66**	35.21
July 1936 to July 1937	4,761***	1,908,344.00	35.82
July 1937 to June 1938	5,682***	2,900,792.00	47.86
July 1938 to June 1939	6,479***	3,531,142.00	48.03
July 1939 to June 1940	7 161***	3,968,034.00	48.02

*Total number during period.
**Incomplete.
***Number of persons assisted during last month of period.

Since July 1, 1936 the Federal Government has been participating and assisting by grants to the State for blind aid, pursuant to the Social Security Act. Between July 1, 1936 and June 30, 1938 the Federal Government contributed $1,687,747.14 for assistance and $84,389 for administration expenses.

Prior to January 1, 1940 the Federal Government contributed one-half of the grants up to $30 per month; since that date it contributes one-half up to $40 per month.

Source: Biennial Reports, Department of Social Welfare, State of California; July 1, 1936-June 30, 1938; July 1, 1938-June 30, 1940.

Number of Persons Assisted and Amounts Expended by the Counties in Payment of County Indigent Aid Pursuant to Sections 2500 to 2615, Welfare and Institutions Code, from July 1, 1937 to June 30, 1941.*

	Number of Persons**	Total Amount of Aid
July 1937 to June 1938	79,875	$9,931,526.98
July 1938 to June 1939	74,027	9,858,224.93
July 1939 to June 1940	71,176	9,561,033.78
June 1940 to July 1941	64,508	9,381,449.81

*No figures are available for years prior to July 1, 1937.
**Number of persons being assisted during last month of period.

Source: Preliminary Public Assistance Release, June, 1941, Department of Social Welfare, State of California.

Number of Persons Assisted and Amount of Funds Expended for Unemployment Relief in California from January 1, 1933 to December 31, 1935 by the Federal, State and Local Governments.

	Number of Persons*	Amount Expended
1933	747,812 (August)	$39,138,769
1934	839,491 (December)	66,829,712
1935	864,801 (January)	129,139,977

*Represents number of persons receiving aid in the month indicated, which is the largest in any month during the year. (For subsequent periods see succeeding table)

Sources of Above Funds

	Total	State	Federal	Local
1933	$39,138,769	$1,738,288	$17,922,002	$19,478,480
1934	66,829,712	45,054	48,433,881	18,350,776
1935	129,139,977	36,406,299	91,697,713	1,035,965
	$235,108,459	$38,189,642	$112,726,418	$38,865,221

Source: Review of activities of State Relief Administration, 1933-1935.

Number of Persons Assisted and Amounts Expended by the State Relief Administration for the Relief of Hardship Due to Unemployment from July, 1936 to May, 1941.

	Number of Persons	Total Amount of Aid
July 1936 to June 1937*	**	$22,825,475.78
July 1937 to June 1938	231,177	25,696,435.37
July 1938 to June 1939	291,631	32,152,411.02
July 1939 to June 1940	246,135	39,549,376.06
July 1940 to May 1941	143,025	19,582,774.83

*Data not available for period from January 1, to June 30.
**Data not available.
(For previous periods see preceding table)

Source: Preliminary Public Assistance Release, June-1941, Department of Social Welfare, State of California; monthly Statistical Summary, December, 1940, California State Relief Administration.

Exhibit 8.

SUMMARY OF STATUTORY OPERATIONS IN CALIFORNIA UNDER WELFARE AND INSTITUTIONS CODE AND STATE RELIEF ADMINISTRATION STATUTES WITH PARTICULAR REFERENCE TO EMPLOYABILITY AND RESIDENCE POLICIES.

I. Operations Under Welfare and Institutions Code.

Prior to April, 1933, the administration of relief in California was accomplished almost entirely through the agency of the various counties of the State under laws which were in 1937 codified in the Welfare and Institutions Code.

Briefly, under this plan the State, itself, directly maintained certain State institutions, principally for the insane, but for most other purposes of relief acted indirectly through apportionment of State funds to the various counties to assist them with respect to aid within the counties for orphans and needy children, aged persons and needy blind, all substantially as set forth in the present Welfare and Institutions Code, direct relief to other indigents being entirely the burden of the counties.

Prior to April, 1933, there was no agency in California for the direct administration of relief by the State.

Residence Eligibility Rules Applicable to the Counties

Prior to 1927, the residence requirement for eligibility to aid from the various counties under the existing plan was three months in the county. (Stats. 1901, p. 636)

In 1927, this Act was amended (Stats. 1927, p. 430) to require as a condition of relief from the counties, a residence of one year in the State. The provision as to three months residence in the county remained unchanged. In 1931 this residence requirement was increased to three years in the State and one year in the county (Stats. 1931, p. 145). In 1933 the Act of 1901 and its above-mentioned amendments were repealed and a substitute act passed (Stats. 1933, p. 2005) continuing the residence requirement of three years in the State and one year in the county as a condition to relief and aid from the various counties. This residence qualification has remained to the present time and is now found in sections 2555 and 2556 of the Welfare and Institutions Code.

Employability Rule Applicable to Counties

Prior to 1933, under the statutory plan for relief through the counties, relief was available to indigent persons in the counties, whether employable or unemployable (Stats. 1901, p. 636, sec. 1) and this rule was expressly declared in 1933 (Stats. 1933, p. 2005, sec. 1) and has been carried into the present Welfare and Institutions Code, sections 2500 and 2505.

Non-resident Rule Applicable to Counties

In 1933, under this statutory plan for relief through the counties, *emergency* relief was available to dependent non-residents, i. e., persons not having the required State and county residence (Stats. 1933, p. 2005, sec. 10) and this rule has been carried into the present Welfare and Institutions Code, section 2501.

In 1933, under this administrative plan for relief through the counties, provision was made for removal of non-resident indigents to other counties or states, when such indigents will thereby cease to become public charges, or when friends or relatives agree to assume the cost and expense of the care and maintenance of such indigents, or when such indigents are legally public charges in the places to which they are so transported (Pol. Code sec. 4041.16, Stats. 1929, p. 1458) and when information at hand reasonably tends to show that such person has a legal residence in such state or county (Stats. 1933, p. 2005, sec. 10) and these rules have been carried into the present Welfare and Institutions Code, sections 206 and 2502.

Rule Applicable to Counties With Respect to Responsibility of Relatives

In 1933, under this statutory plan for relief through the counties, provision was made to the effect that if an indigent has living within the State, a spouse, parent or adult child, able to support the indigent, such indigent is not eligible for aid except emergency aid pending determination of the responsibility of the kindred (Stats. 1933, p. 2005, sec. 2) and this rule has been carried into the present Welfare and Institutions Code, section 2576.

In this respect, the law of California makes it the legal duty of the father, the mother and the children of any poor person who is unable to maintain himself by work, to maintain such person to the extent of their ability. (Civil Code section 206) Husband and wife have mutual obligations of support (Civil Code sec. 155) and, specifi-

cally, a wife is required to support a husband who is unable from infirmity to support himself (Civil Code section 176). See also re criminal offenses re non-support of parent, child or wife, Penal Code Section 270, 270a and 270c.

II. Operations Under State Relief Administration.

In the year 1933 economic conditions became such that the counties of California, engaged in the administration of relief under the existing statutory plan, were confronted with demands beyond their abilities and in that year the State of California first entered the field of direct relief through a State agency.

This agency was known, first as the State Emergency Relief Administration, consisting of State Emergency Relief Administrator and a State Emergency Relief Commission, and later in 1935 when its tasks proved to be more than emergency, as the State Relief Administration, consisting of a State Relief Administrator and a State Relief Commission.

This State Relief Administration, known in California as the SRA, has continued in existence since 1933 and has operated independently of the statutory plan for relief through counties, as provided in the Welfare and Institutions Code, and its predecessor statutes, although the county plan has at all times continued in existence and operation, the SRA independently supplementing the county plan to meet the new and continuing burden of relief throughout the State.

The inception of SRA was by an act known as "The Unemployment Relief Bond Act of 1933" (Stats. 1933, p.

677, effective June 27, 1933), which provided for an initial bond issue of 20 million dollars to be made available, through the emergency SRA (which was already administering Federal funds granted to the State for relief of destitution caused by unemployment), in the form of loans in aid of counties and municipalities in administering relief work, and this bond issue was validated by Constitutional Amendment (Art. XVI, sec. 9, ratified June 27, 1933). The Act empowered the emergency SRA to make rules and regulations as to the manner in which the funds should be expended and as to the standards of relief.

Approximately a year later the State ceased to distribute State funds through loans to counties and commenced the practice of administering State funds by direct grants "for relief of hardship and destitution due to and caused by unemployment" through the State Relief Administration, which was given the powers of the previous emergency SRA and also power to determine general policies of relief administration, and a further bond issue of 24 million dollars was authorized (Constitutional Amendment, Art. XVI, sec. 10, adopted November 6, 1934)

In 1935 the legislature passed a further Act (Stats. 1935, p. 1850, Chap. 675, effective September 15, 1935) for the relief of hardship and destitution due to and caused by unemployment, and giving to the SRA further power to establish rules and regulations relating to eligibility for relief, and appropriating from the General Fund of the State a further 24 million dollars for the purpose in addition to a previous similar appropriation of 24 million dollars on June 14, 1935 (Stats. 1935, p. 1176, Chap. 341)

and in addition to a further previous appropriation from special funds for the same purpose amounting to $384,857.35 (Stats. 1935, p. 1586, Chap. 515).

Thereafter further appropriations from the general fund of the State were necessary from time to time to meet ever recurring and increasing emergencies: Stats. 1937, Ch. 157—($48,000,000); Stats. 1938, Ch. 10—($4,900,000); Stats. 1939, Ch. 160—($3,500,000); Stats. 1939, Ch. 668—($35,525,000); Stats. 1939, Ch. 1—($19,975,000); Stats. 1940, Ch. 5 (1st Extra Session)—($1,600,000); Stats. 1940, Ch. 12 (1st Extra Session)—($12,500,000); Stats. 1940, Ch. 45 (1st Extra Session)—($24,347,091); Stats. 1940, Ch. 1 (3rd Extra Session)—($1,450,000); Stats. 1941, Ch. 54—($2,042,000); Stats. 1941, Ch. 234—($650,000); Stats. 1941, Ch. 601—($1,000,000).

The total of bond issues and appropriations for SRA, 1933-1941 have amounted to $223,884,767.35.

We wish to point out that SRA was not subject to the residence requirements applicable to administration of relief through the counties under the Welfare and Institutions Code and its predecessor statutes hereinabove referred to.

Nor, was the SRA subject to any restrictions with respect to elibility for relief except the general requirement of the SRA statutes that the funds be used for relief of hardship and destitution due to and caused by unemployment and except such restrictions respecting residence, eligibility, etc., as the SRA itself might prescribe.

Eligibility Policies of SRA re Employability

As early as September 16, 1935, the SRA had in force a policy of referring unemployable persons to the various counties for relief upon the theory that hardship and destitution was not "caused by unemployment" within the meaning of the SRA statutes if the person was not employable and an opinion to this effect was rendered by the Attorney General on October 24, 1935 (Opinion No. 10248).

An employable person, by rules and regulations, was one not totally incapacitated for gainful employment, who was willing and able to perform gainful employment and was available for such; who was not prevented from accepting employment by family responsibility (care and supervision of children or dependent person); whose need was due to and caused by unemployment, and who was 18 years of age or over.

Eligibility Policies of SRA re Non-Residents (1933-1935) and Related Operations of Federal Emergency Relief Administration re Transients.

From 1933 to 1940 the SRA statutes contained no provision respecting State or county residence as a condition to SRA relief but a rule of SRA was in effect requiring one year residence in the State.

This rule was followed as to relief with State money between 1933 and June 1936, during which period special grants of Federal funds were received from the Federal Emergency Relief Administration (Emergency Relief Act of 1933, 48 Stats. 55) by the SRA and earmarked for the

relief of needy persons having no legal settlement in any state, legal residence in a state being defined by FERA Rules and Regulations No. 3 (July 15, 1933) as residence in a state for one continuous year or longer. In other words, during this period (actually September 1933-June 1936) the state non-resident needy were assisted by the Federal Transient Service, maintained through FERA grants for the purpose, and during this period a total of $8,978,713.18 was made available to the State by FERA.

On September 6th, 1935, the FERA notified the California SRA that no further such state non-residents were to be accepted for relief through the FERA Federal Transient Service.

Eligibility Policies of SRA re Non-Residents (1935-1939)

Faced with this emergency, SRA modified its rules and policies as follows:

Bulletin 45, September 12, 1935—Persons already registered in Federal Transient Service were to be cared for until further instructions, out of balances of FERA transient funds still on hand.

Bulletin 52, October 17th, 1935—State non-residents will be accepted by SRA, both employable and unemployable, direct relief to be given to non-residents of counties, women and boys, 16-21 years, and camp relief to unemployable unattached men and the same as far as possible to employable unattached men.

Bulletin 59, November 30, 1935—Refusal of transient families, both employable and unemployable, and unattached women, to return to legal residence, after verifi-

cation, is a cause for termination of relief, but relief will continue for such of these as have no legal residence in other states.

Bulletin 59A, December 14, 1935—No form of relief will henceforth be available for unattached able-bodied transient men.

Thereafter, SRA adopted the policy of granting emergency relief from State funds to non-residents pending verification of their legal residence, and this policy continued until June 1938.

From June 1938 the SRA modified its policy of relief to non-residents by granting relief only to such non-residents as indicated in advance a willingness to return to place of residence when verified and this policy continued to January 1939.

In January, 1939, the foregoing restriction was eliminated and the policy of June 1936—June 1938 resumed, but in March, 1939, the restriction of June 1938—January 1939 was again put in effect and such policy continued until the present time.

SRA Statutory Eligibility Restrictions of 1940 re Residence.

On April 29, 1940, the legislature by Stats. 1940 (Extra Session), Chap. 12, when making an appropriation of $12,200,000 to SRA, for the first time placed statutory restrictions respecting residence on the use of its appropriation and provided that the money appropriated should not be expended for the relief of any person after April 1, 1940 who had not resided continuously in the State

for a period of three years, or who had lost State residence by remaining away from the State for an uninterrupted period of one year; the foregoing limitation did not apply to a person who on February 1, 1940, was receiving or had received relief from the State Relief Administration or was on that date certified or had been certified to the Works Projects Administration by the State Relief Administration, and had not left the State with intent to reside elsewhere, and had not remained away from the State for a period of one year.

On May 29, 1940 the legislature by Stats. 1940 (Extra Session), Chap. 45, when making a further appropriation of $24,347,091, increased this residence restriction on the use of the appropriation and provided that none of the appropriation could be expended for the relief of any person who:

(1) Had not either (a) lived continuously in the State for five years, if he began to live in the State after June 1, 1940, or (b) lived continuously in the State for three years if he began to live in the State on or before June 1, 1940.

(2) Had lost State residence by remaining away from the State for an uninterrupted period of one year.

It was provided however, that the appropriation could be expended for the relief of any person who (1) on February 18, 1940 was receiving or had received aid by State Relief Administration or was certified or had been certified to the Works Projects Administration by the State Relief Administration.

Related Operations of Federal Farm Security Administration re Transients, 1938 to Date

After February of 1938, non-resident transients who were not eligible for relief from the SRA because they refused to return to their place of residence after verification, or refused to indicate a willingness in advance to return to place of residence after verified, were referred to the Farm Security Administration, U. S. Department of Agriculture, known as the FSA.

This administration was created on September 1, 1937 by a memorandum of the United States Secretary of Agriculture, as a successor to the Resettlement Administration, which had been created originally by Executive Order of the President of the United States on April 30, 1935 and later transferred to the United States Department of Agriculture by Executive Order on December 31, 1936.

In the Emergency Relief Appropriation Act of 1937 (50 Stats. 352; 15 U.S.C.A. 721-728) it was provided that the money appropriated would be available for expenditure by the Resettlement Administration for such loans, relief and rural rehabilitation for needy persons as the President may determine. In the Work Relief and Appropriation Act of 1938 (52 Stat. 809) which made appropriations to various Federal agencies "in order to provide work relief on useful public projects, and relief" a specific appropriation was made to the Department of Agriculture, which "sums shall be available for administration, loans, relief and rural rehabilitation for need persons". The Emergency Relief Appropriation Act of 1939 (53 Stat. 927) made an appropriation to the De-

partment of Agriculture "in order to continue to provide assistance through rural rehabilitation relief to needy farmers and relief to other needy persons in the United States." The Emergency Relief Appropriation Act of 1941 (54 Stat. 611) made an appropriation to the Department of Agriculture for the same purposes as provided for in the Act of 1939.

Beginning in February 1938 the Farm Security Administration commenced its program of Emergency Relief grants in California to meet the relief problems of agricultural migrants in California by supplying food and clothing to such migrants where destitute but ineligible for State relief. Only employable persons of agricultural background, who lacked State residence were assisted. ("The Work of the Farm Security Administration in Region IX: 1938-39"; idem, 1940-41). The Farm Security Administration also provided, and now provides medical service for such person, and has established and maintained migratory labor camps to provide housing for such persons in addition to providing the services above. Since the inception of these programs in 1938 the following sums have been expended in California to June 30, 1941, according to a letter from the Farm Security Administration in Washington, D.C. dated September 15, 1941: grants to individuals for subsistence—$3,902,160; commodities and food stamps purchased—$2,134,447; grants to Agricultural Workers Health and Medical Association—$2,389,619; migratory labor camps —$5,061,491; Total—$12,418,617.

As of June 1, 1941 the funds theretofore appropriated for expenditure by the SRA for relief of hardship and destitution caused by unemployment were exhausted. No appropriation was made to the SRA by the legislature for such purposes for the period subsequent to June 1, 1941, and consequently no relief is now being given in California by the State directly. However, as has been indicated earlier, the State supplements county funds for aid to the aged, aid to needy children and aid to needy blind, by apportioning State funds to the various counties, but the counties must bear the entire burden of relief to indigents generally.

Exhibit 9.

SUMMARY OF POLICIES AND REGULATIONS OF THE STATE RELIEF ADMINISTRATION WITH RESPECT TO "HARDSHIP AND DESTITUTION" WITHIN THE MEANING OF THE VARIOUS STATE RELIEF ADMINISTRATION STATUTES.

All State Relief Administration statutes appropriated funds for the "relief of hardship and destitution due to and caused by unemployment".

The terms "hardship and destitution" were not defined in any of the statutes relating to the State Relief Administration (herein referred to as the SRA) but by rules and regulations made pursuant to statutory authorization, policies and regulations have been established setting forth eligibility requirements for relief from the SRA.

In Chapter I of the SRA manual, revised to December, 1940, under the heading "Rules of Eligibility and Standards for Assistance" the SRA compiled together all existing policy statements and regulations. We set forth herein excerpts from the manual, quoting only the general policy rules and omitting such further rules as merely particularize these general policies.

Eligibility

Rule 1-101 "*Eligibility—General Policy*"

"State unemployment relief funds are provided to relieve hardship and suffering due to and caused by unemployment. A complete and careful study of the needs and resources of each applicant for unemployment relief must be made in order that a decision as to his eligibility may be based upon sound evidence. Such a study should result not only in the

determination of an applicant's eligibility for relief, but should include a plan for treatment of his problem, looking toward reemployment.

• • • • • • •"

Rule 1-110 "*Eligibility Requirements*"

Eligibility for unemployment relief is based upon six principal factors: (1) *alien status*, (2) *residence*, (3) *employability*, (4) *lack of resources for support of any member of the family group* (including inability of responsible relatives to support), (5) *installment payments*, and (6) *automobiles*. The applicant's situation must place him within rigidly exclusive limits in each of these categories or relief shall be withheld. Eligibility shall be determined by an investigation which, in the minimum, shall include a thorough interview with the applicant and such collateral calls as may be necessary to verify the above factors. *Determination of those factors must supersede and control any investigation into related matters which might prove helpful in meeting social problems such as delinquency, marital difficulties and health when they do not bear directly on the problem of eligibility.*

Note: We omit quotation of the rules relative to alien status, and also rules relating to residence and employability, these last two matters having already been briefly summarized for the court in Supplement Exhibit 8.

Resources

Rule 1-401 "*Resources—General Policy*"

"Applicants for unemployment relief will be expected to use to its fullest extent any available financial resource of any member of the family for support prior to the receipt of relief from this agency.

Applicants with sufficient ca h on hand to enable them to maintain their families until receipt of the first relief check may be accepted if the amount of cash is deducted from the first check. Liquid assets include deposits in banks, postal savings, the value of building and loan certificates, and stocks and bonds. Such liquid assets must be exhausted before acceptance for relief. * * *"

Rule 1-410.1 *"Real Property—General Policy"*

"Ownership of a home by an applicant and occupied by the applicant and his dependents does not necessarily disqualify such applicant for relief. Where home property can command a substantial rental which amount would be adequate for property payments, if any, and also would be sufficient to meet the family's needs according to SRA basic budget, consideration should be given to such plan in order that the family will be enabled to be independent of relief. Such cases are to be referred to the State Office before acceptance."

Rule 1-412.1 *"Property Other Than Home of Applicant—General Policy"*

"Where the applicant owns property other than that occupied as a home, such property should be utilized as a resource as far as possible. It is not the policy of the SRA to pay rent for relief recipients living away from property which they own and is habitable unless for good social reasons the family is not able to reside thereon."

Rule 1-420.1 *"Automobiles—General Policy"*

"An automobile represents an investment which is a potential resource. In some instances it may be retained provided the possession is in accordance with

the following policy. In other instances adjustments will be required within a 90-day period. In general, the Blue Book shall be the basis for determining car values. However, Blue Book value is based on good running condition and when the car has been damaged or resale value otherwise lessened, an exception may be made based on actual value with the approval of the Case Supervisor. Purchase of a car while on relief *may* be sufficient basis for withdrawing aid. Ownership of more than one automobile or truck in the same family is not necessarily a bar to receipt of relief; however, when more than one car is owned, they should be considered potential resources for family needs.

"Relief may not be extended to any person who possesses or whose family possesses more than one automobile or truck unless such person shall deliver the license plates of all but one of the automobiles to the SRA. A hook-on trailer is not subject to this restriction."

Rule 1-420.3 *"Car Owners Not Eligible at Intake or as Continued Cases"*

"A car owner is not eligible who possesses an unencumbered car or truck which is a current model or one of the previous two years, whether or not the car is a necessity. The applicant may choose to make a loan or to turn it in for a cheaper and paid up model (with a Blue Book value of $250.00 or less), using the cash balance as a resource."

Rule 1-431 *"Insurance—General Policy"*

"It is recognized that heads of families and their dependents may carry whole life insurance in a reasonable amount where protection therefrom may be obtained for a minimum premium. The amounts

allowable as hereinafter provided for relief recipients and dependents should be adhered to in all cases, except where otherwise provided. An explanation of the various classes and types of life insurance may be found in the appendix. These regulations apply where insurance is owned and the policy is retained by a member of the relief group and contemplates protection to them. Transfer of a policy to a person outside of the relief group to avoid adjustment will not be recognized. When the insured person is not reinsurable because of age and/or health, cases should be referred to the State Office before adjustment."

Rule 1-432 *"Allowable Insurance"*

Rule 1-432.1 "Head of Family or Spouse"

"The head of the family and spouse may carry individually or together a total of $1,000.00 face value whole life insurance policy, distributed in any manner. (Endowment at age of 75 or 80 is considered whole life). In order to avoid jeopardizing this policy plan, premiums covering a period of two years are allowed to remain in the cash reserve of policy. All available cash loan value exceeding this allowable amount must be utilized through a policy loan. Persons having excess insurance may be accepted at intake for a period of not more than 30 days pending adjustment."

Rule 1-432.2 *"Single Persons"*

"Single, unattached individuals receiving relief as single persons may carry whole life policies having a face value not exceeding $1,000.00. Available cash loan value exceeding one year's premium requirements must be utilized through a policy loan."

Rule 1-440 *"Earned Income"*

Rule 1-441.4 "*Deduction of Earnings at Point of Intake*"

"At time of application for relief, all earnings from private employment of adult members of the family are deductible in full. Where income is from full-time employment of either spouse or of an adult child, who is employable head, as defined in Section 1-441.2, the family is not eligible for relief, irrespective of the amount of earnings. • • •"

Rule 1-441.2 "*Full-time Employment—Definition*"

"Full-time employment may be defined as work for salary, wages or other compensation which employs an individual regularly thirty hours or more per week."

Rule 1-441.5 "*Deductible Earnings—Continued Cases*"

"If the total earnings of adult members equal or exceed the SRA budget, the family is ineligible for aid. When either spouse or adult child who is the employable head secures full-time employment, the case is to be closed irrespective of the amount of earnings. • • •"

Rule 1-469 "*Contributions From Relatives or Friends*"

"Legally responsible relatives are spouse for spouse, parent for minor child, adult child for parent, or any group of them living within the State, who have sufficient financial ability to support the applicant for relief. Relatives are expected to assume such responsibility as their financial condition permits. The full amount of income received from relatives and friends shall be deducted from the budget. When an adult child who is the current employable head

of a relief group, secures employment away from home, careful consideration must be given to his ability to assist and to the possibility that he had moved away in order to avoid deduction of his earnings. If the employment is at such a distance that the adult child could not accept the work and continue to live at home and conditions are such that the family cannot move with him, no action should be taken other than to deduct the amount of contribution he is able to make. If it appears that the youth has moved solely to avoid deduction of earnings and could remain at home, the case should be closed or a deduction made for earnings in the same amount as though he had remained at home. * * *"

Special Policies

Rule 1 840.1 "*Installments—General Policy*"

"While a family might legally receive assistance while making installment payments because the conditions of the purchase fall under one of the provisions permitting payment from relief funds so far as date of purchase or type of article is concerned, it is important to take cognizance of the amount and regularity of the payments as an indication of possible undeclared income or resources. A family cannot reasonably spend a substantial amount of the SRA budget for installment purchases and have a sufficient amount remaining for food, rent and utilities. All income, deductible and non-deductible, is subject to installment payment regulations."

Rule 1-840.4 "*Eligible Payments*"

"Eligibility is *not* affected where the purchase is for a necessity, irrespective of the amount of the installment payment, when:

1. The purchase was made prior to the receipt of any relief under Senate Bill #81, effective 2/24/40, or under Senate Bill #90, effective 6/1/40.

2. The purchase was made after receiving relief under Senate Bill #81, but before reapplying under Senate Bill #90."

Rule 1-840.5- "*Ineligible Paymenis*"

"Eligibility is affected where payments are made in excess of $5.00 per month, except for essential food and clothing, (other necessities not exempted) and further aid cannot be granted while payments are continued where:

1. Article other than essential food or clothing was purchased while receiving relief under Senate Bill 81 or Senate Bill 90.

2. Article other than essential food or clothing was purchased subsequent to receiving relief under Senate Bill 90. This applies even though the purchase was made while the case was closed.

Eligibility *is* affected even though payments are less than $5.00 per month and regardless of date debt was incurred if articles purchased are not necessities as defined in Section 1-830.2"

Note: Senate Bill 81 provided in substance that money received for relief was to be expended only for necessities. Senate Bill 90 provided that relief money could not be used in the purchase of personal property other than necessities where payments were in excess of five dollars per month when the debt was incurred after February 28, 1940 and recipient was then receiving relief.

Exhibit 10.

COLLECTION OF CASES IN OTHER STATES BASED ON STATUTES SIMILAR TO CALIFORNIA'S WELFARE AND INSTITUTIONS CODE SECTION 2615.

Barkhamsted v. Parsons, 3 Conn. 1 (1819)

A statute provided a penalty for bringing into the State a poor and indigent person and leaving that person in a town of which he was not an inhabitant. The defendant was a resident of Massachusetts, accused of bringing an indigent mother and her three children, not the family of the defendant, into Connecticut. Although the evidence showed that the actual transportation was done by defendant's son, a minor, at the defendant's direction, the conviction was upheld and the penalty enforced, the court taking the view that his son acted as his agent.

Thomas v. Ross & Shaw, 8 Wend. 671; 11 N.Y.C.L. 509 (1832)

Suit was brought for a penalty for bringing a pauper from one town to another within the same county. Judgment for plaintiff was affirmed, despite the defense that the statute applied only to bringing a pauper from without the State. In construing the provision the Court held that within the phrase "any city or town within this State" the words "within this State" were surplusage and that, therefore, the statute applied to the case at bar, stating:

> "The offense consists in bringing them into any town, without reference to the place from which they shall have been brought. * * * It is totally immaterial whether the person be brought from another State or another town in this State. The offense consists in bringing a burden upon the town."

Coe v. Smith, 24 Wend. 341; 14 N.Y.C.L. 631 (1840)

This was an action to recover moneys expended by plaintiffs to support a pauper, whom defendant should have maintained and whom defendant removed from one county to another with intent to burden the latter. Judgment for plaintiffs was reversed under a statute providing a penalty for removing an indigent from one city and county to another with intent to burden the latter.

The court's reasoning was:

> "Even where a person brings a pauper from any place out of the State into a county within it, he is neither subject to the penalty, or to the maintenance of the pauper, as imposed by the 64th section, without the existence of an intent to charge the county."

and no such intent was proven.

Windfield v. Mapes, 4 Denio 571; 17 N.Y.C.L. 676 (1847)

An action was brought for a penalty for bringing a poor person into New York City from Pennsylvania with intent to charge that city with support. Conviction was upheld.

William v. Franklin, 39 Ill. 21 (1865)

The statute provided a $100 penalty for bringing and leaving a pauper in any county of the State, knowing him to be a pauper. The defendant was convicted of bringing a pauper from one county to another within the State and this conviction was affirmed. No constitutional question was raised and the court held that the conclusion of the jury was justified by the facts.

Dover v. Wheeler, 51 Vt. 160 (1878)

This suit was based on a statute providing a penalty for bringing an indigent into a town of Vermont with

intent to charge such town with support. The indigent was brought into Vermont from Massachusetts by the defendant, who was an employee of the Board of Charities of Massachusetts and who had brought the indigent into Vermont in the course of executing a statute of Massachusetts authorizing the indigent's return to Vermont. The court held, however, that the indigent was a citizen of Massachusets and that the Vermont statute had been violated and rendered judgment for plaintiff town against the defendant.

Poor v. Nelson, Mich., 42 N.W. 797 (1889)

The statute provided:

> "Any person who shall bring or remove or cause to be brought or removed, any poor or indigent person, from any place without this state, into any county within it, with intent to make such county chargeable with the support of such pauper, shall forfeit and pay $50.00 * * * and shall also be obliged to convey such pauper out of the state or support him at his own expense."

The defendant had brought into Michigan a pauper from Iowa. It was proven that the person was an indigent and was brought into the State by defendant with intent to charge the county, but the court refused to enforce the penalty because it was not shown that the plaintiffs had incurred any expense for the pauper or any liability therefor.

State v. Cornish, 66 N.H. 329; 21 Atl. 180 (1890)

The statute provided a fine and imprisonment for bringing and leaving in a town of New Hampshire a poor and indigent person of another State, knowing that fact, and with intent to charge the town. No constitutional question

was raised and the conviction was upheld upon the ground that it was no defense that the defendant had acted in good faith and under a mistake of fact with respect to place of settlement.

Commissioners of Pitkin v. Law, 3 Colo. App. 328; 33 Pac. 143 (1893)

The statute provided a penalty for bringing and leaving paupers in any county of the State, knowing them to be paupers. The statute was held applicable to bringing a pauper from one county to another within the State. Judgment for defendant was affirmed because:

> "The obvious intention of the Legislature was to punish any person who knowingly and intentionally caused a pauper to be taken from the county where domiciled and transported to another, with the knowledge and intention of relieving the county of domicile from the charge of support and making the person a charge upon the other county. In order to warrant a conviction it must transpire beyond controversy that the person was a pauper within the legal definition of the word; had legal domicile in the county from which the removal was made, and not in the county to which taken or sent; and a knowledge of these facts by the person charged, from which the intention if not expressed could legally be implied."

The court concluded that there was insufficient evidence to prove these elements.

Risner v. The State, 55 Ohio App. 151; 9 N.E. (2nd) 151 (1937)

> "The action is a civil suit to recover a judgment in the nature of a penalty for the alleged violation by the defendants of the provisions of section 2555, General Code, which provides as follows:

'If a person transports, removes, or brings or causes to be transported, removed or brought a poor or indigent person into a city, township, or county in this state, without lawful authority, and there leaves such poor or indigent person, knowing that such city, township, or county will probably become chargeable with his support, the person so offending shall forfeit and pay the sum of fifty dollars for each such offense, for the use of the poor of the city, township or county in which the indigent person is left, to be recovered by civil action, in the name of the state, before any court of competent jurisdiction.' ''

Defendant brought an individual from Kentucky to Ohio and the case turned on the question of whether the Kentuckian was "a poor or indigent person". This court held that the proof was insufficient, defining that term as follows:

"In order to determine whether there is such failure of proof, we will consider the meaning of the phrase 'a poor or indigent person' as used in that section.

Section 2555, General Code, appears at the end of the chapter on county commissioners. It is one of a group of miscellaneous sections concerning indigent persons who are a charge upon the public. The section is what is technically known as 'a poor law'. It is also a penal law, and is therefore to be strictly construed.

In Ruling Case Law, 703 and 704, in commenting upon poor laws, it is stated:

'The word "poor" is used in two senses, the one as opposed to the word "rich", the other as indicating those who are entirely destitute and helpless, and therefore dependent on public charity. It is in the latter sense only that the term is used in the poor

laws. The perm "pauper" is likewise used in two distinct senses, though not so divergent as in the case of the term "poor". In the one case it is synonymous with the term "poor person" as understood in the poor law, meaning one destitute and a proper subject for public aid. In the other and more technical sense it means one who is actually receiving public aid, one who is eating the public bread. For general purposes the terms "poor person", "pauper", "indigent" and "destitute" may be regarded as synonymous.' "

"And in 48 Corpus Juris, 428, it is stated that, generally the terms 'pauper', 'poor', 'poor person', 'indigent person', 'person in distress', and so forth, in statutes providing for the relief of such persons, are used to describe that class of persons who are so destitute and helpless as to be dependent for their support upon public charity.

"Applying these definitions to the provisions of section 2555, General Code, it is clear that the words 'poor or indigent' modifying the word 'person' are either synonymous as indicating those who are entirely destitute and helpless and therefore dependent on public charity, or that the word 'poor' is used in the technical sense as indicating one who is actually receiving public aid, and the word 'indigent' is used in the nontechnical sense as meaning one destitute and a proper subject for public aid."

The conviction of defendant was reversed on the ground that the burden was on the plaintiff to prove that the person alleged to be an indigent was (1) actually receiving public aid, or (2) was entirely destitute and helpless and therefore dependent on public charity, and that they had failed to do so.

Exhibit 11.

COLLECTION OF CASES BASED ON STATUTES AUTHORIZING THE REMOVAL OF POOR AND INDIGENT PERSONS FROM ONE COUNTY TO ANOTHER OR FROM ONE STATE TO ANOTHER, INCLUDING QUOTATION FROM THE DISSENTING OPINION IN THE CHIRILLO CASE FROM NEW YORK.

Overseers of Gilpin v. Overseers of Park, 11 Atl. 791 (Pa. 1888).

An order for the removal of a poor person was obtained by a town on the ground that the individual was likely to become a public charge. The order, obtained without notice to the individual concerned, was reversed because he was not actually a pauper at the time, the Court stating that notice is required under such circumstances although it would be otherwise if the individual was already in receipt of relief.

Lovell v. Seeback, 45 Minn. 465, 48 N. W. 23 (1891).

The action was brought by the plaintiff for forcible removal of a pauper from one county to another, the applicable statute providing that, if relief is applied for by a person without a legal settlement in the county, such person shall be warned to depart, and if he fails so to do and is likely to become a public charge, then the county may issue an order directed to the Sheriff to return the person to the county of his settlement.

The question of the constitutionality of the statute was raised, but the order directing removal was affirmed notwithstanding. The court stated:

"While the statutes in force here since our territorial organization have been subject to the objections on

constitutional grounds which are here urged, we are not aware that hitherto their validity has been questioned. In view of the fact that such laws, which must have been very often put into practical operation, have been in force here, and, as we suppose, unquestioned, for a period of more than 40 years, and long before the adoption of our constitution, it may fairly be said that they have been generally acquiesced in as a valid exercise of legislative power."

Town of Bristol v. Town of Fox, 159 Ill. 566, 42 N. E. 887 (1896).

Plaintiff town brought an action to recover moneys expended for support of paupers for which the defendant town was alleged to be liable. The statute provided that, if a person becomes chargeable as a pauper in a town in which he was not a resident for twelve months preceding, written notice should be sent to the place of residence requesting removal and for the reasonable charges accrued and to accrue for the care of the pauper. Judgment for defendant town was reversed despite its defense that it had offered to remove the paupers and they had refused. The court held that the defendant town had the right to forcibly remove them and was therefore liable because:

"Inability for self-support renders it necessary that the pauper should be supported as a public charge, and the law has designated what political subdivision of the people shall be charged with the support, and has therefore given the body the means of controlling the acts of the pauper to the extent necessary to render it convenient for his support. So soon as he becomes a charge, and while he remains so, he ceases to be a free agent, but is in the hands, and to a certain extent under the control, of the public officers intrusted with the execution of the poor laws."

Harrison v. Gilbert, 71 Conn. 724, 43 Atl. 190 (1899).

The court upheld the authority of a town to require the removal of a pauper to his town of settlement, and on the constitutional question the court said:

> "No constitutional right was violated by the proceedings in controversy. Town paupers belong to a dependent class. The law assigns them a certain status. This entitles them to public aid, and subjects them, in a corresponding degree, to public control. There is nothing in the statutes under which the defendants justify which pushes this right of control further than is reasonably adapted to keeping the public burdens within due bounds. McCarthy v. Hinman, 35 Conn. 538. Economy in the administration of relief to the town poor may require their concentration under one roof."

Hilborn v. Briggs, N. Dak. 1929, 226 N. W. 737.

The defendants attempted to remove plaintiff indigents from North Dakota to Minnesota under a statute permitting overseers of the poor to remove from a township anyone likely to become a public charge whose legal residence was elsewhere. Judgment was for the plaintiffs on the ground that the statute only permitted a removal from one poor relief district to another within the State, and not to a district beyond the State boundaries.

In re Barnes, 119 Pa. (Sup. Ct.) 553, 180 Atl. 718 (1935).

Action involved the removal of a pauper from one poor district to another. Judgment for defendant district was reversed under a statute providing that to acquire settlement in a poor district the person must be a resident

therein for one year and not become a public charge during that time. The court said:

> "It has been repeatedly held, under our poor laws, that a destitute person receiving aid as such cannot acquire a new settlement while remaining a 'public charge'."

Anderson v. Miller, 120 Pa. (Sup. Ct.) 463, 182 Atl. 742 (1936).

The statute gave a county in which a pauper was likely to become a public charge the right to notify the county of settlement and the latter county was required to show cause why an order should not issue directing the return of the pauper to it. Judgment against defendant county (the county of settlement) was affirmed on the ground that no new domicile had been acquired and the likelihood of the pauper becoming a public charge had been substantiated.

In re Chirillo, 283 N. Y. 417, 28 N. E. (2d) 895 (1940).*

> "We pass then to a consideration of the validity of section 71 of the Public Welfare Law as it affects these appellants. Upon this appeal we are concerned only with the removal of a class of persons situated as are these appellants, namely, those coming into the State of New York who have had a legal settlement for the purposes of relief in another State of the United States, or, as section 71 puts it, "belongs to * * * any other state * * *." Parenthetically the term "belongs to" has been construed in other States to mean legal settlement the same as held at Special Term and not controverted upon this appeal. (*Town of Washington v. Town of Warren*, 123 Conn. 268;

*NOTE: Pages 124-133 is quotation from this *Chirillo* case.

Eden v. Southwest Harbor, 108 Me. 489.) We are not passing either on the constitutionality or on the construction of the provision in the same section where removal is sought upon the ground that the pauper "has friends willing to support him or to aid in supporting him in any other state or country * * *." Section 71 may be valid as to the class of persons in the case at bar and not valid in respect to this other provision. (*Hatch v. Reardon*, 204 U. S. 152, 160.)

We turn then to consider seriatim the constitutional objections advanced against the power of the State of New York to protect itself against an unprecedented influx of persons on relief or paupers coming from other States. Stating the question in different ways: Is it a privilege or immunity of a citizen of the United States to impose upon any State of his choice the burden of supporting himself and his family before he has satisfied reasonable settlement qualifications, as in the case at bar, of one year? Is there no way short of action by the Congress by which the States, severally or separately, may safeguard themselves from the threat to their security and solvency by incoming numbers of indigent families from other States? Lastly, is a statute designed to safeguard the welfare of the individual and the welfare of the State, and to protect a citizen of the United States from starvation and return him to his former place of settlement, where he will receive succor, a violation of the Constitution of the United States?

We take up first the objection based upon a claimed lack of due process under the Fourteenth Amendment and endeavor to show that section 71 is not unconstitutional but a reasonable exercise of the sovereign police power to attain a proper objective.

Obviously, the State of New York, prior to the adoption of the United States Constitution, possessed the powers of a sovereign nation, which included the power to refuse admittance to, or to deport a person coming from, without its borders, whether or not that person crossed the State line with the intention of seeking permanent residence in this State.

Likewise, it is authoritatively settled that the adoption of the Constitution of the United States did not create the power of the State, but only limited such power and, except as so limited, the power of the State remains supreme. (*Carter v. Carter Coal Co.*, 298 U. S. 238; 11 Am. Jur. 865, § 171.) How then, may we ask, has there been cut down this fundamental police power of the State to enact legislation removing paupers who have not yet acquired a legal settlement in this State, to the place of their last legal settlement? Under the due process clause of the Fourteenth Amendment, the only limitation upon the exercise of the police power must be that it concerns itself with the promotion of the public welfare through having a real and substantial relation to that end, and shall not be unreasonable, arbitrary or capricious. (*Nebbia v. People*, 291 U. S. 502.) The historical background and present conditions leading up to forcible removal proceedings demonstrate not only their recognized need, but their reasonableness.

From the time of the early common law, the liberty of the pauper has been curtailed in the interests of the welfare of the various communities. In 1350, by statute, the poor were to remain where they were resident, or to be sent to the place of their birth. (Holdsworth, History of English Law, 390 *et seq.*) In 1662 Parliament enacted the Poor Relief Act (13 and 14 Charles II, ch. 12), which permitted Justices of the

Peace, upon complaint of the Overseers of the Poor, to remove by warrant to the place of their last legal settlement, paupers and those "likely to be chargeable to the parish." Counsel for the State of New York has pointed out that this principle of forcible removal of paupers to the place of their last settlement has been projected into the poor law of some thirty States. In 1773 the Colonial Legislature enacted a statute practically identical with the above statute enacted in England in 1662, and since that time successive Legislatures of this State have continued statutes along the same line, culminating in section 71 of the Public Welfare Law. In addition, it should be noted that removals have long since been authorized by what is now section 27 of the State Charities Law (Cons. Laws, ch. 55), which in part reads as follows: "State, non-resident alien poor. The Board and any commissioner or officer of the Department may • • • cause to be removed to the state or country from which he came any such non-resident or alien poor found in any such institution or otherwise supported or relieved at public expense."

Action under these sections has long been the policy of the State Department of Social Welfare, under appropriate rules and regulations, which provide, among other provisions, that settlement in the other State must be definitely established, and that an authorization must be received for the return of such person from the authorized officials in the locality of settlement. "Each proposed removal must be considered on a case work basis and a return effected only when the Commissioner of Public Welfare is satisfied that the welfare of the person and the interest of the State will thereby be promoted. State charges requiring temporary relief and care should be

given a reasonable opportunity for rehabilitation unless they desire to return voluntarily."

In addition, in all cases there must be considered not only the welfare of the State, but also the welfare of such person, together with a prior approval of the State Department of Social Welfare, and then the approval and action by the Commissioner of Welfare, who may only apply to the County Judge for the issuance of an order of removal and satisfy the County Judge that the statute has been complied with. Then and then only may the County Judge issue the order to remove the person to the State where he has a legal settlement.

In the light of such a statutory history, the objection of arbitrariness and unreasonableness seems weak indeed.

"What is due process of law may be ascertained by an examination of those settled usages and modes of proceedings existing in the common and statute law of England before the emigration of our ancestors, and show not to have been unsuited to their civil and political condition by having been acted on by them after the settlement of this country." (*Twining v. New Jersey*, 211 U. S. 78, 100.)

"The Fourteenth Amendment, itself a historical product, did not destroy history for the States and substitute mechanical compartments of law all exactly alike. If a thing has been practiced for two hundred years by common consent, it will need a strong case for the Fourteenth Amendment to affect it." (*Jackman v. Rosenbaum Co.*, 260 U. S. 22, 31.) (See, also *Coler v. Corn Exchange Bank*, 250 N. Y. 136; Affd., 280 U. S. 218; *Owenbey v. Morgan*, 256 U. S. 94.)

The statute in the case at bar is thus a reasonable means adopted by the State in order to prevent financial submersion while engaged in caring for the unfortunates and thwarting the spread of sickness, disease and crime.

It is next contended that the power given to the Congress, "To regulate commerce * * * among the several States * * *" (Art. 1, § 8), renders invalid section 71 of the Public Welfare Law. In the consideration of questions of constitutional construction we are reminded that "unless the party setting up the unconstitutionality of the State law belongs to the class for whose sake the constitutional protection is given * * *," the objections will not be heard, and imaginary cases will not be gone into where, as here, the statute involved may be constitutional as affecting the litigants before the court and may not be constitutional as to others. (*Hatch v. Reardon*, 204 U. S. 152, 160.) While the forcible removal of persons who are public charges and not entitled by reason of lack of length of residence to a legal settlement for relief purposes in the State, may to some extent affect interstate commerce, the case at bar does not present such an interference as is forbidden to the State when exercising the police power in defense of State welfare. It is settled by the authorities that, in the absence of congressional pre-emptions, the police power inherent in the States may be exercised within reasonable restrictions, even though there may be interference with interstate commerce. (*City of New York v. Miln*, 11 Pet. 102; *Railroad Co. v. Husen*, 95 U. S. 465; *Plumley v. Mass.*, 155 U. S. 461, 471; *South Carolina State Highway Dept. v. Barnwell Bros. Inc.*, 303 U. S. 177; *Ark.-La. Gas Co. v. Dept. of Public Utilities*, 304 U. S. 61; *H. P. Welch Co. v. New*

Hampshire, 306 U. S. 79; *Eichholz v. Public Service Commission*, 306 U. S. 268; *Clason v. Indiana*, 306 U. S. 439.)

No claim can be advanced that section 71 prevents any person from coming into this State. The statute, as construed below, would seem to have the effect only that, when a person who has not established a legal settlement in this State, applies for public care, he subjects himself to the removal provisions of section 71. Under this law, the State has no power of removal until application is made for State aid. Then, in the interests of the protection of the People from the spread of crime and disease and for the preservation of the financial resources of the State, the latter remits the applicant to the place legally responsible for him under well-settled principles of law.

Appellants further urge that the State had no power to enact section 71 of the Public Welfare Law for the reason that it is in contravention of the provision of the United States Constitution (Art. IV, § 2, cl. 1) which provides that "The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." As was said by Mr. Justice ROBERTS in *Hague v. C. I. O.* (307 U. S. 496), at page 511: "* * * it has come to be the settled view that Article IV, § 2, does not import that a citizen of one State carries with him into another fundamental privilege and immunities which come to him necessarily by the mere fact of his citizenship in the State first mentioned, but, on the contrary, that in any State every citizen of any other State is to have the same privileges and immunities which the citizens of that State enjoy. The section, in effect, prevents a State from discriminating against citizens of other States in favor of its own."

To hold that this clause protects the right of a citizen to be supported at public expense in any community to which he may journey, it is necessary to find that there is inherent in State citizenship a constitutional right to be supported at public expense free from any limitations whatsoever. This would include a right of the indigent person to live where he will although the crowding into one State may be a menace to society. No such right exists. "Neither aliens nor the citizens of other States are vested by the Constitution with any interest in the common property of this State." (*People v. Crane*, 214 N. Y. 154, 161.) Section 71 does not interfere with the right of a citizen of one State to pass through or reside in any other State. Only if on coming from another State he applies for relief at public expense, to which he has no constitutional right, he is bound to accept the relief *cum onero*, or with the limitations of the reasonable provisions of the Public Welfare Law of New York State. If it be for his welfare and for the welfare of the State, he then subjects himself to the possibility of being compelled to return to the State wherein he has a legal settlement. Nor does section 71 of the Public Welfare Law make any discrimination upon the basis of State citizenship, for all who seek public relief must comply with the same requirements for a legal settlement or be subject to forcible removal. (*Douglas v. N. Y. R. R.*, 279 U. S. 377.)

It is urged that that portion of the Fourteenth Amendment which affords "to any person within its jurisdiction the equal protection of the laws," renders invalid section 71. There is here, however, no invalid classification. (*Heim v. McCall*, 239 U. S. 175; *People v. Crane*, supra.) In *Barbier v. Connolly*, (113 U. S. 27), it is said, at page 32: "Class legislation, discrimination against some and favoring others, is prohibited, but legislation which, in carrying out a public

purpose is limited in its application, if within the sphere of its operation it affects alike all persons similarly situated, is not within the amendment."

Lastly, there is no merit to the claim that section 71 is rendered invalid by the constitutional provision that "no State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States * * *." It would seem that the privileges and immunities of United States citizenship are none other than those which result from other provisions of the Constitution and from the laws of Congress; that unless some other constitutional provisions or Federal statute prescribes the right claimed to be a privilege or immunity of United States citizens, no further protection may be had by resort to that clause. (*Hague v. C. I. O.*, 307 U. S. 496, 519-522; *Slaughterhouse Cases*, 16 Wall. 35, 79-80.) It has been shown above that the statute as herein applied does not contravene other guaranties of the Constitution; nor has the claim been advanced that there is applicable congressional enactment.

Freedom of residence is restricted as to citizens only while on relief. This statute applies whether the citizen is of this State or of another State. Confinement to a poor house or farm may be the result of indigence. No interference is had with the right of any citizen to choose and establish a home. What is controlled is the unrestricted imposition of indigent persons and families without settlement upon a community and State where they cannot establish a home because of their indigent status. Freedom of residence is certainly restricted as to paupers; yet no instance of invalidity has been pointed out as to the poor laws permitting commitment of indigents to poor farms. A condition may often restrict a freedom. Vagrancy is one example; disease is another; and

mental deficiency, a third. Such conditions restrict individual rights and freedom in the interest of the right, security and freedom of the rest of the community of the State.

The Public Welfare Law of New York seeks, with due regard to the rights of all those affected, to deal in a humane way with the problem of pauperism. The sovereign police power of the State of New York has been exercised properly and reasonably. Such legislation is permitted by the Constitution of the State, and nothing in the United States Constitution compels a holding that such legislation is invalid.

The order appealed from, in so far as it holds the provisions of section 71 of the Public Welfare Law constitutional, should be affirmed.

LEHMAN, Ch. J., SEARS and CONWAY, JJ., concur with LOUGHRAN, J.; LEHMAN, Ch. J., concurs in separate opinion, in which LOUGHRAN and SEARS, JJ., concur; FINCH, J., dissents in opinion, in which RIPPEY and LEWIS, JJ., concur.

Appeal dismissed."

(Rehearing denied October 8, 1940 in 29 N. E. (2d) 661)

NOTE: This cause was later brought into the Federal court, where plaintiff sought an injunction to prevent enforcement of the New York statute (*Chirillo v. Lehman*, 38 Fed. Supp. 65, decided December 31, 1940). The Federal District Court refused to look into the constitutionality of the statute on the ground that it had been conclusively determined as between these parties in the court of original jurisdiction in New York State, i.e. adversely to Chirillo, notwithstanding the dismissal of Chirillo's appeal by the New York Court of Appeals.

Exhibit 12.

COLLECTION OF CASES IN THE UNITED STATES SUPREME COURT DISCUSSING THE RIGHTS OF A STATE WITH RESPECT TO PAUPERS AND PERSONS LIKELY TO BECOME A PUBLIC CHARGE.

The Mayor of New York v. Miln, 11 Peters 102, 36 U. S. 71 (1837)

A statute provided that the Master of a ship arriving in the port of New York from any country outside of the United States, or from any other of the United States, should report the name, age and occupation of each passenger (with a penalty for failure to comply), the intent of the statute being to protect the state from the influx of indigents. The statute was upheld as a proper exercise of the police power and as not being an unconstitutional regulation of Interstate Commerce. Mr. Justice Barbour for the majority said (pp. 141-2):

> "Now, in relation to the section in the act immediately before us, that is obviously passed with a view to prevent her citizens from being oppressed by the support of multitudes of poor persons, who come from foreign countries, without possessing the means of supporting themselves. There can be no mode in which the power to regulate internal police could be more appropriately exercised. New York, from her particular situation, is, perhaps, more than any other city in the Union, exposed to the evil of thousands of foreign emigrants arriving there, and the consequent danger of her citizens being subjected to a heavy charge in the maintenance of those who are poor. It is the duty of the state to protect its citizens from this evil; they have endeavored to do so, by passing

amongst other things, the section of the law in question. We should, upon principle, say that it had a right to do so.

"* * * We think it as competent and as necessary for a state to provide precautionary measures against the moral pestilence of paupers, vagabonds, and possibly convicts; as it is to guard against the physical pestilence which may arise from unsound and infectious articles imported, or from a ship, the crew of which may be laboring under an infectious disease."

In the concurring opinion of Mr. Justice Thompson is found the following language (pp. 147-8):

"* * * To test the present case by this rule. The duty here imposed arises, after the master and passengers have arrived within the limits of the state, and is applied to the purely internal concerns of the state. This provision does not affect other states, nor any subject necessary for the purpose of executing any of the general powers of the government of the Union. For although commerce, within the sense of the constitution, may mean intercourse, and the power to regulate it be coextensive with the subject on which it acts, and cannot be stopped at the external boundary of a state, according to the language of this court in the case of Brown v. State of Maryland, 12 Wheat. 446; it cannot be claimed, that the master, or the passengers, are exempted from any duty imposed by the laws of a state, after their arrival within its jurisdiction; or have a right to wander, uncontrolled, after they become mixed with the general population of the state; or that any greater rights or privileges attach to them, because they come in through the medium of navigation, than if they come by land from an adjoining state; and if the state had a right to guard

against paupers becoming chargeable to the city, it would seem necessarily to follow, that it had the power to prescribe the means of ascertaining who they were, and a list of their names is indispensable to effect that object. The purposes intended to be answered by this law fall within that internal police of the state; which, throughout the whole case of Gibbons v. Ogden, is admitted to remain with the states." • • •

"Can anything fall more directly within the police power and internal regulation of a state, than that which concerns the care and management of paupers or convicts, or any other class or description of persons that may be thrown into the country, and likely to endanger its safety, or become chargeable for their maintenance? It is not intended, by this remark, to cast any reproach upon foreigners who may arrive in this country. But if all power to guard against these mischiefs is taken away, the safety and welfare of the community may be very much endangered. • • •"

Mr. Justice Baldwin added (pp. 153b, 153 and 153n):

"On the same principle by which a state may prevent the introduction of infected persons or goods, and articles dangerous to the persons or property of its citizens, it may exclude paupers who will add to the burdens of taxation, or convicts who will corrupt the morals of the people threatening them with more evils than gunpowder or disease. The whole subject is necessarily connected with the internal police of a state, no item of which has to any extent been delegated to congress, every branch of which has been excepted from the prohibitions on the states, and is, of course, included among their reserved powers.

"If there is any one case to which the following remark of this court is peculiarly applicable, it is this: 'It does not appear to be a violent construction of the constitution, and is certainly a convenient one, to consider the power of the states as existing over such cases as the laws of the Union may not reach.' 4 Wheat. 195. Let this case be tested by this rule, and let it be shown, that any clause in the constitution empowers congress to pass a law which can reach the subject of pauperism, or the case of a pauper imported from a foreign nation or another state. They are not articles of merchandise or traffic, imports or exports. Congress cannot compel the states to receive and maintain them, nor establish a system of poor laws for their benefit or support; and there can be found in no decision of this court any color for the proposition, that they are in any respect placed under the regulation of the laws of the Union, or that the states have not plenary power over them." • • •

"No case can arise, in which the doctrine of construction has been attempted to be carried further than in this; the law of New York, on which this case turns, has but one object, the prevention of foreign paupers from becoming chargeable on the city or other parts of the state; it is a part of the system of internal police, prescribing laws in relation to paupers. The state asserts as a right of self-protection, the exclusion of foreigners who are attempted to be forced upon them, under the power of the laws for the regulation of commerce, which the defendant contends, protects all passengers from foreign countries, till they are landed, and puts it out of the power of the state to prevent it. On the same principle, convicts from abroad may be forced into the states without limitation; so, of paupers from other states, if once

put in a vessel with a coasting license; so that all police regulations on these subjects by states must be held unconstitutional. One of two consequences must follow. There can be no poor-laws applicable to foreigners; they must be admitted into the state, and be supported by a tax on its citizens, or congress must take the subject into their own hands, as a means of carrying into execution their power to regulate commerce. Their laws must not be confined to the seaports in the states into which foreign paupers are introduced, they must extend to every part of the state to which paupers from other states can be brought; for the power to regulate commerce among the several states is as broad in all respects as to do it with foreign nations. * * * To my mind, there can be no such cause for discriminating between an imported and a domestic pauper; one is as much an article of commerce as another, and the same power which can force them into a state from a vessel, can do it from a wagon, and regulate their conveyance on the roads or canals of a state, as well as on its rivers, havens or arms of the sea. In following out these principles to their consequences, congress may, and, to be consistent, ought to go further. Poor laws are analogous to health, quarantine and inspection laws, all being parts of a system of internal police, to prevent the introduction of what is dangerous to the safety or health of the people; and health and quarantine laws extend to the vessel, the cargo and passengers. Laws excluding convicts and paupers are as necessary to preserve the morals of the people from corruption and their property from taxation, as any laws of the other description can be; nor do they interfere any further with the regulations of commerce; as laws in pari materia, they must stand or fall together, or some arbitrary unintelligible distinc-

tion must be made between them, which is neither to be found in the constitution, nor decisions of this court. If the principle on which health and quarantine laws are sustained, is applied to this case, the validity of the law in question is not to be doubted: if this principle is not so applied, then it is an unsound one, which must be abandoned, thereby the reserved powers of the states over their internal police, must devolve on congress, as an incident to, or the means of regulating 'commerce with foreign nations' and 'among the several states.' There is no middle ground on which health and quarantine laws can be supported, which will not equally support poor laws; nor can poor laws be declared void on any ground that will not prostrate the others; all must be included within, or excepted from, the prohibition. * * * We should never have had a federal government, if there had been a declaration in its frame, that congress could pass poor-laws, or interfere to revise or control those passed by the states; or that congress could legislate on any subject of legislation over which no jurisdiction was granted to them, and which was reserved to the states or people, in the same plenitude as they held it before they surrendered any portion of their power. * * *

"I cannot think, that it intended, or can be construed, to impose an unqualified prohibition on a state, to prevent the introduction of convicts or paupers, who are entitled to no higher protection than the vessel or goods on board; which are subject to state taxation with the assent of congress; and to health and inspection and quarantine laws, without their consent. * * * The law in question is confined to matters of police, it affects no regulations of commerce, it impairs no rights of any persons engaged in its pursuits; and while such laws are not extended

beyond the legitimate objects of police, there is, in my opinion, no power, under the constitution, which can impair its force, or by which congress can assume any portion or part of this power, under any pretext whatever. * * *"

Even in the dissenting opinion of Mr. Justice Story he conceded (p. 155):

"I admit, in the most unhesitating manner, that the states have a right to pass health laws and quarantine laws, and other police laws, not contravening the laws of congress rightfully passed under their constitutional authority. I admit, that they have a right to pass poor-laws, and laws to prevent the introduction of paupers into the state, under the like qualifications. I go further, and admit, that in the exercise of their legitimate authority over any particular subject, the states may generally use the same means which are used by congress, if these means are suitable to the end. But I cannot admit, that the states have authority to enact laws, which act upon subjects beyond their territorial limits, or within those limits and which trench upon the authority of congress in its power to regulate commerce."

Prigg v. Pennsylvania, 16 Peters 539, 41 U. S. 345.

The case involved the taking and returning to Maryland of a fugitive slave by an agent of the owner, a citizen of Maryland, contrary to a Pennsylvania statute prohibiting the taking and carrying away of Negroes for the purpose of slavery. In holding the statute void, the Court made clear its attitude on the limitation of State police power, as follows (p. 624):

"* * * We entertain no doubt whatsoever, that the states, in virtue of their general police power, pos-

sess full jurisdiction to arrest and restrain runaway slaves, and remove them from their borders, and otherwise to secure themselves against their depredations and evil example, as they certainly may do in cases of idlers, vagabonds and paupers. * * *"

License Cases—Thurlow v. Massachusetts, 5 Howard 504, 46 U. S. 590 (1847).

The statutes of Massachusetts, Rhode Island and New Hampshire, involving the right of states to license the sale of liquor, were upheld as not being inconsistent with any provision of the Constitution. Mr. Chief Justice Taney said (p. 576):

"It has, indeed, been suggested, that, if a State deems the traffic in ardent spirits to be injurious to its citizens, and calculated to introduce immorality, vice, and pauperism into the State, it may constitutionally refuse to permit its importation, notwithstanding the laws of Congress; and that a State may do this upon the same principles that it may resist and prevent the introduction of disease, pestilence, or pauperism from abroad. But it must be remembered that disease, pestilence, and pauperism are not subjects of commerce, although sometimes among its attendant evils. They are not things to be regulated and trafficked in, but to be prevented, as far as human foresight or human means can guard against them. * * *"

Passenger Cases—Smith v. Turner and Morris v. City of Boston, 7 Howard 283, 48 U. S. 300 (1849)

The cities of New York and Boston imposed taxes upon alien passengers arriving in their ports. The court

held both laws to be unconstitutional and void but in doing so Mr. Justice Wayne said (pp. 424, 5, 6):

> "The States have also reserved the police right to turn off from their territories paupers, vagabonds, and fugitives from justice. * * *"
>
> "* * * And when Congress shall legislate,—if it be not disrespectful for one who is a member of the judiciary to suppose so absurd a thing of another department of the government.—to make paupers, vagabonds, suspected persons, and fugitives from justice subjects of admission into the United States, I do not doubt it will be found and declared, should it ever become a matter for judicial decision, that such persons are not within the regulating power which the United States have over commerce. * * * They have no rights of national intercourse; no one has a right to transport them, without authority of law, from where they are to any other place, and their only rights where they may be are such as the law gives to all men who have not altogether forfeited its protection.
>
> "The States may meet such persons upon their arrival in port, and may put them under all proper restraints. They may prevent them from entering their territories, may carry them out or drive them off. But can such a police power be rightfully exercised over those who are not paupers, vagabonds, or fugitives from justice? The international right of visitation forbids it."

And Mr. Chief Justice Taney in a dissenting opinion reasoned:

> "And the first inquiry is, whether, under the Constitution of the United States, the federal government has the power to compel the several states to receive,

and suffer to remain in association with its citizens, every person or class of persons whom it may be the policy or pleasure of the United States to admit. In my judgment, this question lies at the foundation of the controversy in this case. I do not mean to say that the general government have, by treaty or act of Congress, required the State of Massachusetts to permit the aliens in question to land. I think there is no treaty or act of Congress which can justly be so construed. But it is not necessary to examine that question until we have first inquired whether Congress can lawfully exercise such a power, and whether the States are bound to submit to it. For if the people of the several States of this Union reserved to themselves the power of expelling from their borders any person, or class of persons, whom it might deem dangerous to its peace or likely to produce a physical or moral evil among its citizens, then any treaty or law of Congress invading this right, and authorizing the introduction of any person or description of pe ons against the consent of the State, would be an usurpation of power which this court could neither recognize nor enforce.

* * * * * * *

"If these cases are to stand, the right of the State is undoubted. And it is equally clear, that, if it may remove from among its citizens any person or description of persons whom it regards as injurious to their welfare, it follows that it may meet them at the threshold and prevent them from entering. * * * If the state has the power to determine whether the persons objected to shall remain in the State in association with its citizens, it must, as an incident inseparably connected with it, have the right also to determine who shall enter. * * * A concurrent and equal power in the United States and the States as to who

should and who should not be permitted to reside in a State, would be a direct conflict of powers repugnant to each other, continually thwarting and defeating its exercise by either, and could result in nothing but disorder and confusion.

"Again: if the State has the right to exclude from its borders any person or persons whom it may regard as dangerous to the safety of its citizens, it must necessarily have the right to decide when and towards whom this power is to be exercised according to the judgment of the party which possesses it. And it must, therefore rest with the State to determine whether any particular class of description of persons are likely to produce discontents or insurrection in its territory, or to taint the morals of its citizens, or to bring among them contagious diseases, or the evils and burdens of a numerous pauper population. For if the general government can in any respect, or by any form of legislation, control or restrain a State in the exercise of this power, or decide whether it has been exercised with proper discretion, and towards proper persons, and on proper occasions, then the real and substantial power would be in Congress, and not in the States. In the cases decided in this court, and herein above referred to, the power of determining who is or is not dangerous to the interests and well-being of the State has been uniformly admitted to reside in the State."

Henderson v. The Mayor of the City of New York, 92 U. S. 259 (1875)

The statute required a report by the master or owner of a vessel (as set out in *New York v. Miln, supra*) and also required the owner or consignee of every vessel arriving from a foreign port to give a bond to indemnify

every city and county against any expense for relief or support of any person so brought in for a period of the next four years. The cost of the bond could be avoided by paying $1.50 per passenger within twenty-four hours of their arrival. The scheme was held to be a tax on the owner of a vessel for the privilege of landing passengers and the Court concluded that a tax on any passenger who comes from abroad was a strange means to the avowed end and purpose of the statute, namely, to prevent a flood of pauperism from Europe. Judgment for plaintiff city was reversed and the cause remanded, the Court concluding:

> "Whether, in the absence of such action, the States can, or how far they can, by appropriate legislation, protect themselves against *actual* paupers, vagrants, criminals, and diseased persons, arriving in their territory from foreign countries, we do not decide. The portions of the New York statute which concern persons who, on inspection, are found to belong to these classes, are not properly before us, because the relief sought is to the part of the statute applicable to all passengers alike, and is the only relief which can be given on this bill." (p. 275)

Chy Lung v. Freeman, 92 U. S. 275 (1875)

This case involving a California statute was decided immediately following the *Henderson case, supra,* the statute not requiring, however, a bond for every passenger or commutation in money but only for certain enumerated classes, including "lewd and debauched women". The plaintiff was placed in this class by the Commissioner of Immigration on her arrival from China and imprisoned. The master of the vessel refused to pay the bond in-

demnifying cities and counties in the event relief became necessary for her. The Court declared the statute was unconstitutional and void because it went far beyond what was necessary to achieve its avowed purpose and because it was actually designed not for obtaining an indemnity but rather to compel the payment of money by masters of vessels in commutation to escape the placing of the bonds. The Court says:

> "We are not called upon by this statute to decide for or against the right of a State, in the absence of legislation by Congress, to protect herself by necessary and proper laws against paupers and convicted criminals from abroad; nor to lay down the definite limit of such right, if it exist. Such a right can only arise from a vital necessity for its exercise, and cannot be carried beyond the scope of that necessity. When a State statute, limited to provisions necessary and appropriate to that object alone, shall, in a proper controversy, come before us, it will be time enough to decide that question. * * *." (p. 280)

Railroad Company v. Husen, 95 U. S. 465 at 470 (1877)

> "* * * In *Henderson v. The Mayor, &c.*, the statute of New York was defended as a police regulation to protect the State against the influx of foreign paupers; but it was held to be unconstitutional, because its practical result was to impose a burden upon all passengers from foreign countries. And it was laid down that, 'in whatever language a statute may be framed, its purpose must be determined by its natural and reasonable effect.' The reach of the statute was far beyond its professed object, and far into the realm which is within the exclusive jurisdiction of Congress. So in the case of *Chy Lung v.*

Freeman, where the pretense was the exclusion of lewd women; but as the statute was more far-reaching, and affected other immigrants, not of any class which the State could lawfully exclude, we held it unconstitutional. Neither of these cases denied the right of a State to protect herself against paupers, convicted criminals, or lewd women, by necessary and proper laws, in the absence of legislation by Congress, but it was ruled that the right could only arise from vital necessity, and that it could not be carried beyond the scope of that necessity. These cases, it is true, speak only of laws affecting the entrance of persons into a State; but the constitutional doctrines they maintain are equally applicable to inter-state transportation of property. * * *." (pp. 472, 3)

Plumley v. Massachusetts, 155 U. S. 461 (1894)

In upholding a Massachusetts statute forbidding the bringing in and sale of oleomargarine for butter, the court said: (p. 478)

"It has therefore been adjudged that the states may legislate to prevent the spread of crime, and may exclude from their limits paupers, convicts, persons likely to become a public charge, and persons afflicted with contagious or infectious diseases. These and other like things having immediate connection with the health, morals, and safety of the people, may be done by the states in the exercise of self defense * * *."

Missouri, Kansas & Texas RR. Co. v. Haber, 169 U. S. 613, 629 (1897)

In discussing the statute of Kansas prohibiting the bringing in of cattle likely to be diseased and making a person so doing liable in damages in a civil action, the

court states that in *Railroad Co. v. Husen,* 95 U. S. 465, 471, 473:

> "The court cited with approval the language of the Supreme Court of Vermont in Thorpe v. Rutland & Burlington R.R. 27 Vt. 140, • • •
>
> "Under that power the court said, that while a state by legislation may not invade the domain of the National Government, it may *exclude* from its limits convicts, paupers, idiots and lunatics, persons likely to become a public charge, as well as persons affected by contagious or infectious diseases. • • • Such exertions of power by a state, it was said, were self-defensive."

Japanese Immigrant Case—Kaoru Yamataya v. Fisher, 189 U. S. 86 (1902)

The Immigration Act of 1901 provided for the exclusion of paupers among others and the immigration authorities refused, therefore, to permit the plaintiff Japanese citizen to enter. Plaintiff contended that under the treaty with Japan, all Japanese citizens had full liberty to enter, travel or reside within the United States, but the Act was upheld as a proper exercise of the police power, the operation of which was expressly excepted from the effect of any of the provisions of the treaty, the Court stating:

> "A statute excluding paupers or persons likely to become a public charge is manifestly one of police and public security." (p. 97)

Federal Cases.

In re Ah Fong, 1 Fed. Cases 213, 3 Sawyer 144, Fed. Case 102 (Circuit Court, Dist. of California) (1874)

"It is equally true that the police power of the state may be exercised by precautionary measures against the increase of crime or pauperism, or the spread of infectious diseases from persons coming from other countries; that the state may entirely exclude convicts, lepers, persons afflicted with incurable disease; may refuse admission to paupers, idiots, lunatics and others, who from physical causes are likely to become a charge upon the public until security is afforded that they will not become such a charge; and may isolate the temporarily diseased until the danger of contagion is gone. The legality of precautionary measures of this kind has never been doubted. The right of the state in this respect has its foundation, as observed by Mr. Justice Grier in the Passenger Cases, 7 How. (48 U.S.) 462, in the sacred law of self defense, which no power granted to Congress can restrain or annul."

Sweeney v. State Board of Public Assistance, District Court of Pa., 36 Fed. Supp. 171, Dec. 31, 1940

This very recent case indicates a contemporary view of the Federal Courts as to the degree of limitation a state may require on the right to live in a specific locality as a condition to relief without infringing on an individual's constitutional rights.

"Plaintiffs claim that their right to live where they please has been infringed by this regulation of the State Board of Public Assistance, which denied them relief while living as a family unit with relatives who

are not legally liable for their support. The courts have construed the fourteenth amendment of the Federal Constitution to guarantee to an individual the right to live where, and as he pleases: Allgeyer v. Louisiana, 165 U.S. 578, 589, 17 S. Ct. 427, 41 L. Ed. 832, but the amendment is not a guaranty of untrammeled freedom of action: Virginia R. Co. v. System Federation No. 40, 300 U. S. 515, 57 S. Ct. 592, 81 L. Ed. 789. The Constitution does not recognize an absolute and uncontrollable liberty, the liberty safeguarded being liberty in a social organization which requires the protection of law against the evils which menace the health, safety, morals and welfare of the people; (Citations) The constitutional guaranty of liberty is only of freedom from arbitrary restraint, not of immunity from reasonable regulations and prohibitions imposed in the interests of the community. (Citations) There is no arbitrary restraint here of plaintiffs' right to live where they please. The restraint is imposed only if they wish to receive a grant of public assistance from the state."

Exhibit 13.

COLLECTION OF CASES DISCUSSING THE TERM "INDIGENT", ET CETERA.

Board of Directors v. Nye, 8 Cal. App. 527, 97 Pac. 208 (1908)

In discussing whether or not the State could appropriate funds in support of an institution for widows of Civil War Veterans the Court, at page 536, gave this indication of its definition of "paupers":

> "As a matter of course, no one will dispute the proposition that the support of paupers and the giving of assistance to those who by reason of age, infirmity, or disability, or inability for any reason to take care of themselves, might become such, is, by the practice and common consent of civilized countries, a public purpose, and within the general legislative power."

Storrs Agricultural School v. Whitney, 54 Conn. 342, 8 Atl. 141 (1887)

In discussing whether a charitable gift "to aid indigent young men" of a town in fitting themselves for the evangelical ministry was void for uncertainty, the Court held:

> "Neither of the words 'indigent' nor 'evangelical' is of rare use or hidden meaning. They are quite within ordinary intelligence, and point with a sufficient degree of certainty to the individual to enable the statute of charitable uses to distinguish him from all others. It is a sufficiently accurate statement, in this connection, to say that they describe a man who is without sufficient means of his own, and whom no person is bound and able to supply, to enable him to prepare himself for preaching the gospel. * *." (p. 146)

Juneau County v. Wood County, 109 Wisc. 330, 85 N. W. 387 (1901)

An action brought by one county against another "for the support of a pauper and his family" under a statute extending aid to "poor and indigent persons".

> "* * * It will be observed that, to entitle any person to such relief, he must be 'needy' or 'indigent.' The language is similar to the statutes for the 'relief and support of the poor,' where, with certain exceptions, relief and support are only to be given to 'poor and indigent persons' who 'shall stand in need thereof.' 'Poor Persons,' sections 1499-1516, Rev. St. 1898. As stated by Mr. Justice Pinney: 'The word "poor" in the statute has a restricted and technical meaning, and it is practically synonymous with "destitute," denoting extreme want and helplessness.' Town of Rhine v. City of Sheboygan, 82 Wis. 354, 52 N.W. 444; Town of Ettrick v. Town of Bangor, 84 Wis. 259, 54 N.W. 401; Wisconsin Keeley Institute Co. v. Milwaukee Co., 95 Wis. 158, 70 N.W. 68, 36 L.R.A. 55. Webster defines the word 'indigent' as a person 'destitute of property or means of comfortable subsistence; needy; poor.' Other dictionaries define it in substantially the same way. So Webster defines 'needy' as a person 'distressed by want of the means of living; very poor; indigent; necessitous.' Others give similar definitions. * *." (p. 388)

Oteo County v. Lancaster County, 78 Neb. 517, 111 N. W. 132 (1907)

Action by one county against another for expenditures occasioned by the support of an "alleged pauper". On interpreting the term "poor person" in statutes providing for their support the Court held:

"The term 'poor person,' as used in this section, is the equivalent of pauper, and includes all persons without means, who are unable on account of some bodily or mental infirmity, or other unavoidable cause, to provide for themselves. It may be said, therefore, that a person is chargeable as a pauper, under our statute, when he is without means, and unable, on account of some bodily or mental infirmity, or other unavoidable cause, to earn a livelihood, and has no kindred in the state liable under the statute for his support, or whose kindred within the state are of insufficient ability, or fail or refuse, to maintain him." (p. 133)

State v. Sharp, 1 W. W. Harr, Del. 148, 111 Atl. 909 (1920)

"'Any husband who shall, without just cause, desert and willfully neglect or refuse to provide for the support and maintenance of his wife in destitute or necessitous circumstances * * * shall be guilty of a misdemeanor.' (Rev. Code 1915, p. 1421, sec. 3034.)"

"'A wife is in necessitous circumstances * * * when she does not have property or money available for such necessities or ordinary comforts of life as her husband can reasonably furnish. * * *

"'The essence of the act is that a man shall not be allowed to shift the burden of supporting his wife * * * upon others under no obligation to bear it. * * * Therefore, whenever a husband, without just cause, neglects or refuses to provide for the support and maintenance of his wife and thereby places here in such a situation that she stands in need of the necessaries of life, it is not material that they are supplied by her own labor or by sympathizing relatives, friends,

or strangers, so that she does not in fact suffer from privation. He is guilty if he leaves her in such circumstances that, without her own efforts or outside help, she would lack the necessaries of life.'

Donaghy v. State, 6 Boyce, 467, 100 Atl. 696." (pp. 910-11)

Allegheny County v. City of Pittsburgh, 281 Pa. 300, 127 Atl. 72 (1924)

Under a statute providing a recovery of money expended for neglected and dependent children, a distinction was drawn between this class of individuals and "poor persons", for which latter class the poor laws are applicable, and the term, for the purpose, defined as follows:

"The term 'poor' as used in the law, means 'destitute'; helpless and in extreme want; * * * so completely destitute of property as to require assistance from the public; it is synonymous with 'pauper' and this means 'one so poor that he must be supported at the public expense.'"

Busser v. Snyder, 282 Penn. State 440, 128 Atl. 80, 37 A.L.R. 1515 (1925)

In discussing the Old Age Pension Law of Pennsylvania, the Court held:

"'Poor persons' and 'paupers' have been used as synonymous words, although not necessarily meaning the same; but the thing which for more than 200 years fixed the charge on the commonwealth was the fact of inability to support themselves and without means of support. * * * When the Constitution was adopted, the terms 'poor laws' and 'poor persons' were well understood. These speak of 'poor persons not able to work'

or 'by reason of age, disease, infirmity, or other disability are unable to work', 'the needy sick and indigent', 'without means of support,' to which the Poor Authorities were required to give aid * * *. The term 'poor' as used by law makers describes those who are destitute and helpless, unable to support themselves, and without means of support. These are objects of public charity. * * *"

Town of Maulius v. Town of Pompey, 140 Misc. Rep. 505, 250 N.Y.S. 690 (1930)

An action brought by one town against another to recover the sum paid out for the support of poor persons properly chargeable to defendant-town. The Court stated:

"It is common knowledge who the ordinary 'poor persons' are. They are those without property, without habits of industry or thrift, improvident, usually physically or mentally deficient, who are unable through efforts of their own to gain a livelihood. They are constantly seeking and generally receive at some regular intervals public charity or assistance; they have a practically constant status as 'poor persons'; they are not able to maintain themselves for any long period of time even under ordinary conditions."

Moss v. Moss, 163 Washington 444, 1 Pac. (2) 916 (1931)

An action for contribution from a divorced husband for expenditures made by the wife in caring for the disabled son of the parties. Under a statute requiring relatives to support "poor persons". The definition given was as follows:

"The term 'poor' person as used in our statute means such person who is so completely destitute as

to require assistance from the public. It refers to a person who is so helpless by reason of physical or mental infirmity as to be dependent for his support upon public charity; that such person is unable to provide for and maintain himself.

> 'Generally the terms "pauper" and "poor person", "indigent person", "person in distress", etc., in statutes providing for the relief of such persons, are used to describe that class of persons who are so destitute and helpless as to be dependent for their support on public charity.' "

Cloyd v. County of Vermilion, 360 Ill. 610, 196 N. E. 802 (1935)

In a suit brought by a physician against defendant-county for the value of services he had rendered to two individuals under a statute, the county claimed that, since the title of the act was limited to "paupers" and the act dealt with persons who were not paupers but merely unable to support themselves or pay for medical and surgical aid when ill, the act was unconstitutional, but in giving judgment for the plaintiff the Court disagreed with the defendant-county as follows:

> "Webster's International Dictionary defines a pauper as a very poor person; a person destitute of means except such as are derived from charity; one who receives aid from public poor funds. Those mentioned in section 24 who are unable to pay for nursing, medical expenses, or their burial expenses if they die are certainly included in the commonly understood meaning of the word 'pauper', even though they may not be paupers in the technical, legal definition of the word. In such emergency, they must receive aid from the public poor funds or from charity." (p. 804)